

DNT

From: Lee, Mark [mlee@manatt.com]
Sent: Tuesday, October 23, 2007 11:05 AM
To: DNT
Subject: Apparent Violations Of The Court's Order

Dear Mr. Tarlow:

I write because we have obtained information that is of great concern. Your client RMG technologies, Inc. ("RMG") appears to be violating the terms of the preliminary injunction Judge Collins issued only last week. It is doing so in several different ways.

First, RMG continues to promote its services on its website by maintaining its "Purchasemaster" web pages. See Ticketmaster's MPI Exhibit 1. Such actions violate the Court's order prohibiting "trafficking" in infringing products.

Second, the Rocky Mountain News reports that RMG's "technical support employees were still staffing their phones" after the Court granted Ticketmaster's motion. See http://www.rockymountainnews.com/drmn/business/article/0,1299,DRMN_4_5726976,00.html. Such actions violate the prohibitions against "facilitating" infringing activities contained in the Court's order.

Third, Ticketmaster has discovered a number of individuals, including but not limited to Messrs. Bonner and Prior, who are continuing to engage in significant, automated ticket request and ticket purchase activities using IP addresses that are actively managed by RMG after the Court entered its order. Such actions violate the very essence of the preliminary injunction. We believe all of these actions expose your client to liability for contempt of the Court's order.

Without waiving any of its rights, Ticketmaster demands that RMG immediately cease and desist all of the above described activities, and provide Ticketmaster with a full accounting of all actions it has taken in violation of the Court's order since October 15, 2007 in these circumstances.

We ask that you confirm by no later than the close of business on Friday, October 26, 2007 whether RMG will comply with these demands. Although Ticketmaster would prefer to resolve this matter informally, if there is not immediate, strict compliance with the Court's order it may be forced to move for a civil contempt order that will seek all available relief, including but not limited to appropriate coercive measures and Ticketmaster's costs and attorney's fees in bringing the motion.

We urge your client to agree to the demands made in this letter and comply with the Court's order in these circumstances.

Sincerely,

Mark S. Lee
 Manatt, Phelps & Phillips, LLP
 11355 W. Olympic Blvd.
 Los Angeles, CA 90064
 Phone: 310-312-4128
 Fax: 310-312-4224

IRS CIRCULAR 230 DISCLOSURE: To comply with requirements imposed by recently issued treasury regulations, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written by us, and cannot be used by you, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another person any transaction or matter addressed herein. For information about this legend, go to http://www.manatt.com/uploadedFiles/Areas_of_Expertise/Tax_Employee_Benefits_and_Global_Compensation/Circular230.pdf

3/21/2008

101

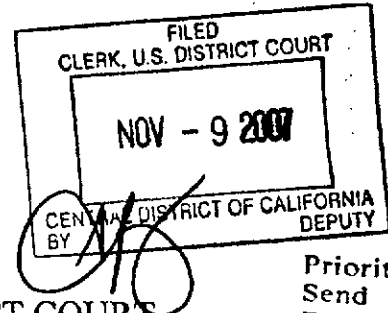
EXHIBIT “B”

100GEP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED
CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: *MAD*



UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Priority
Send
Enter
Closed
JS-5/JS-6
JS-2/JS-3
Scan Only

✓

TICKETMASTER L.L.C., a Virginia
limited liability company,

Plaintiff,

vs.

RMG TECHNOLOGIES, INC., a
Delaware corporation, and DOES 1
through 10, inclusive,

Defendants.

Case No. CV 07-2534-ABC (JCx)

Hon. Audrey B. Collins

**[PROPOSED] ORDER GRANTING
LEAVE TO TAKE EXPEDITED
DISCOVERY TO DETERMINE
COMPLIANCE WITH
PRELIMINARY INJUNCTION**

Complaint filed: April 17, 2007

1
2 Based upon the *Ex Parte* Application for Expedited Discovery to
3 Determine Compliance with Preliminary Injunction submitted by plaintiff
4 Ticketmaster L.L.C., the Memorandum of Points and Authorities and Declarations
5 in support the application, and the pleadings and papers on file with the Court, and
6 GOOD CAUSE HAVING BEEN SHOWN THEREFORE:

7 IT IS HEREBY ORDERED THAT RMG Technologies, Inc. produce and
8 make available the following electronic information and documentation without
9 objection within five days of the issuance of this order:

10 a. HTML and all source code and binary/executable copies of code
11 for RMG's "TBAT," "Super Proxy," and other products and services used to
12 facilitate ticket purchases on ticketmaster.com;

13 b. All "log" files from the "super proxies" resident on RMG's
14 computers from October 15, 2007 to the present;

15 c. The "properties" files on RMG's computers;

16 d. Access to RMG's "client" computers;

17 e. A list of or documents identifying all internet service providers
18 and all IP addresses (foreign and domestic) allocated to the "TBAT" product that
19 RMG controls;

20 f. A list of or documents identifying all the internet service
21 providers and all IP addresses (foreign and domestic) owned or controlled by RMG;

22 g. All files and data related to Ticketmaster's CAPTCHA that
23 services RMG's Optical Character Recognition ("OCR") product, or other
24 mechanism for solving CAPTCHA, which would be stored either on RMG's
25 filesystem(s) or its databases;

26 h. All files and applications related to answering or responding to
27 Ticketmaster's security measures, including but not limited to its "hashcash" or
28 "POW" programs;

- 1 i. All documents and applications used in developing RMG's
2 "TBAT," "Super Proxy" and OCR, including test environments; and
3 j. All documents regarding RMG's "Super Proxy" and OCR
4 product performance capabilities.
5

6 IT IS SO ORDERED.

7
8 Date: Nov. 9, 2007

A. Collins
Hon. Audrey B. Collins

9 SUBMITTED BY:

10 MANATT, PHELPS & PHILLIPS, LLP
11 ROBERT H. PLATT (Bar No. CA 108533)
12 MARK S. LEE (Bar No. CA 94103)
DONALD R. BROWN (Bar No. CA 156548)

13 Mark S. Lee
14 Attorneys for Plaintiff
15
16
17
18
19
20
21
22

23 41172110.1
24
25
26
27
28

PROOF OF SERVICE

I, Lorena Ramirez, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 11355 West Olympic Boulevard, Los Angeles, California 90064-1614. On November 6, 2007, I served a copy of the within document(s): [PROPOSED] ORDER GRANTING LEAVE TO TAKE EXPEDITED DISCOVERY TO DETERMINE COMPLIANCE WITH PRELIMINARY INJUNCTION

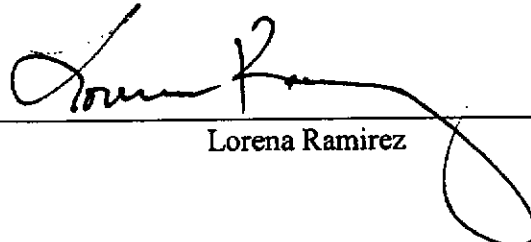
- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Golden State Overnight agent for delivery.
- ☒ by causing the document(s) listed above to be hand delivered to the person(s) at the address(es) set forth below by a certified messenger service.
- ☐ by sending an electronic message with attached PDF.

David N. Tarlow, Esq.
Law Offices of Coggan & Tarlow
1925 Century Park East, Suite 2320
Los Angeles, California 90067-2343
Tel. No. (310) 407-0922
Fax No. (310) 407-0923
Email: davidtarlow@verizon.net
Email: dnt@cogganlaw.com

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 6, 2007, at Los Angeles, California.


Lorena Ramirez

JAY M. COGGAN, State Bar No. 86107
DAVID N. TARLOW, State Bar No. 214050
JOSHUA G. BLUM, State Bar No. 249082
COGGAN & TARLOW
1925 Century Park East, Suite 2320
Los Angeles, California 90067
Tel: (310) 407-0922
Fax: (310) 407-0923

Attorneys for Defendant/Cross-Complainant RMG TECHNOLOGIES, INC., a
Delaware corporation

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**TICKETMASTER L.L.C., a
Virginia limited liability company,**

Plaintiff,

v.

**RMG TECHNOLOGIES, INC., a
Delaware corporation and DOES 1
through 10, inclusive,**

Defendants.

**Case No.: CJ 07-2534
ABC(JWJx)**

**DEFENDANT RMG
TECHNOLOGIES, INC.
RESPONSE TO REQUEST FOR
PRODUCTION OF
DOCUMENTS (SET ONE)**

PROPOUNDING PARTY: TICKETMASTER L.L.C., a Virginia limited
liability company

RESPONDING PARTY: RMG TECHNOLOGIES, INC., a Delaware
corporation

SET NO.: ONE

Response to Document Request

1 It should be noted that this Responding Party has not fully completed the
2 investigation of the facts relating to this case, has not fully completed discovery in
3 this action and has not completed preparation for the trial. All of the responses
4 contained herein are based only upon such information and documents which are
5 presently available to and specifically known to this responding party and
6 disclose only those contentions which presently occur to such responding party.

7 It is anticipated that further discovery, independent investigation, legal
8 research and analysis will supply additional facts, add meaning to the known facts,
9 as well as establish entirely new factual conclusions and legal contentions, all of
10 which may lead to substantial additions to, changes in and variations from the
11 contentions herein set forth.

12 The following responses are given without prejudice to responding party's
13 rights to produce evidence of any subsequently discovered fact or facts which
14 these responding parties may later recall. Responding Party accordingly reserve
15 the right to change any and all responses herein as additional facts are ascertained,
16 analyses are made, legal research is completed and contentions are made.

17 The responses contained herein are made in a good faith effort to supply as
18 much factual information and as much specification of legal contentions as is
19 presently known, but should in no way be to the prejudice to this responding party
20 in relation to further discovery, research, or analysis.

21 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

22 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 1**

23 All Documents relating to every purchase by You of Tickets.

24 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 1**

25 After a diligent search and reasonable inquiry, Responding Party is unable
26 to comply with this request, as it is not in possession, custody or control of any
27 documents relating to its own purchase of tickets.

28 //

1 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 2**

2 All Documents relating to Your decision for which particular events to buy
3 Tickets.

4 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 2**

5 After a diligent search and reasonable inquiry, Responding Party is unable
6 to comply with this request, as it is not in possession, custody or control of any
7 documents relating to its own purchase of tickets.

8 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 3**

9 All Communications between You and any other Person relating to Your
10 decision for which particular events to buy Tickets.

11 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 3**

12 After a diligent search and reasonable inquiry, Responding Party is unable
13 to comply with this request, as it is not in possession, custody or control of any
14 documents relating to its own purchase of tickets.

15 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 3**

16 All Documents relating to all sources of funds You used to purchase
17 Tickets.

18 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 3**

19 After a diligent search and reasonable inquiry, Responding Party is unable
20 to comply with this request, as it is not in possession, custody or control of any
21 documents relating to its own purchase of tickets, and accordingly, has no record
22 of the source of any such funds.

23 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 4**

24 All Documents relating to every sale by You of Tickets.

25 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 4**

26 After a diligent search and reasonable inquiry, Responding Party is unable
27 to comply with this request, as it is not in possession, custody or control of any
28 documents relating to its own sale of tickets, because Responding Party does not

1 sell tickets.

2 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 5**

3 All Documents relating to every product You have developed,
4 purchased, or otherwise acquired for the purpose of facilitating the sale of Tickets.

5 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 5**

6 Responding Party objects to this request as it is vague, ambiguous and
7 overbroad. Responding Party objects to this request as it seeks information
8 beyond the scope of permissible discovery that is not relevant to the issues in the
9 instant lawsuit. Responding Party objects to this request as it requests "trade
10 secrets" and "commercial information" which will not be produced without a court
11 ordered protective order or stipulated protective order. Notwithstanding the
12 foregoing objections, after a diligent search and reasonable inquiry, Responding
13 Party is unable to comply with this request. Responding Party has never
14 developed, purchased or acquired products for the purpose of it purchasing tickets
15 on its own behalf.

16 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 5**

17 All Documents relating to the method(s) by which You transferred or
18 delivered Tickets to third parties.

19 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 5**

20 Responding Party objects to this request as it is vague, ambiguous and
21 overbroad. Responding Party objects to this request as it seeks information
22 beyond the scope of permissible discovery that is not relevant to the issues in the
23 instant lawsuit. Notwithstanding the foregoing objections, after a diligent search
24 and reasonable inquiry, Responding Party is unable to comply with this request, as
25 Responding Party has never transferred or delivered Tickets to third parties.

26 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 6**

27 All Communications relating to Your method(s) of transferring or
28 delivering Tickets to third parties.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 6

Responding Party objects to this request as it is vague, ambiguous and overbroad. Responding Party objects to this request as it seeks information beyond the scope of permissible discovery that is not relevant to the issues in the instant lawsuit. Notwithstanding the foregoing objections, after a diligent search and reasonable inquiry, Responding Party is unable to comply with this request, as Responding Party has never transferred or delivered Tickets to third parties.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 7

All Documents relating to the actions You took with the monies You received for the sale of Tickets.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 7

Responding Party objects to this request as it is vague, ambiguous and overbroad. Responding Party objects to this request as it seeks information beyond the scope of permissible discovery that is not relevant to the issues in the instant lawsuit. Notwithstanding said objections, Responding Party cannot comply with this request as it did not receive monies for the sale of Tickets.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 8

All Documents relating to any Automated Devices used to access Ticketmaster's website and buy Tickets.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 8

Responding Party objects to this request as it is overbroad with respect to the definition of "Automated Devices." Notwithstanding this objection, after a diligent search and reasonable inquiry, Responding Party is unable to comply with this request, as Responding Party does not have any records reflecting its purchase of any Tickets from Ticketmaster's website in its possession, custody or control.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 9

All Documents relating to any web-based applications used to purchase Tickets.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 9

Responding Party objects to this request as it is vague, ambiguous and unintelligible as to the term "web-based applications used to purchase Tickets." Responding party objects to this request as it is overbroad. Notwithstanding the foregoing objections, after a diligent search and reasonable inquiry, Responding Party is unable to comply with this request as it does not have any records in its possession, custody or control with respect to its purchase of Tickets, or the purchase of Tickets on its behalf.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 10

All Documents relating to all methods You used to purchase Tickets.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 10

Responding Party objects to this request as it is beyond the scope of permissible discovery, in that it is not relevant to Ticketmaster's claims. Responding party objects to this request as it is overbroad. Notwithstanding the foregoing objections, after a diligent search and reasonable inquiry, Responding Party is unable to comply with this request as it does not have any records in its possession, custody or control with respect to its purchase of Tickets, or the purchase of Tickets on its behalf.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 11

All Documents relating to how You obtained or developed Automated Devices and software used to buy Tickets.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 11

Responding Party objects to this request as it is overbroad with respect to the definition of "Automated Devices." Responding Party objects to this request as it is oppressive and burdensome. Responding Party objects to this request as it seeks information which constitutes "trade secrets" or other "confidential research, development or commercial information" pursuant to Rule 26(c)(7), and would only produce them pursuant to a protective order by the Court or a stipulated

1 protective order. Notwithstanding the foregoing objections, after a diligent search
2 and reasonable inquiry, Responding Party is unable to comply with this request, as
3 it is not in possession, custody or control of any documents relating to its own
4 purchase of tickets.

5 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 12**

6 All Documents relating to whom You transferred Automated Devices and
7 software used to buy Tickets.

8 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 12**

9 Responding Party objects to this request as it is overbroad with respect to
10 the definition of "Automated Devices." Responding Party objects to this request
11 as it seeks information which constitutes "trade secrets" or "commercial
12 information" pursuant to Rule 26(c)(7). Notwithstanding these objections,
13 Responding Party is unable to comply with this request as it has not transferred
14 any automated devices and software to any person or entity to purchase Tickets.

15 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 13**

16 All Documents relating to the purchase, use, distribution and resale of
17 tickets that were initially purchased through Ticketmaster.

18 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 13**

19 Responding Party objects to this request as it is beyond the scope of
20 permissible discovery. Responding Party objects to this request as it is overbroad.
21 Responding party objects to this request as it is irrelevant. Responding Party
22 objects to this request as it seeks commercial information of third parties.
23 Responding Party further objects to this request as it is vague, ambiguous, and
24 unintelligible as to the meaning of the term "tickets." Notwithstanding Responding
25 Party's objections, Responding Party lacks the ability to comply with this request
26 because after a diligent search and reasonable inquiry, no documents concerning
27 the use, distribution and resale of tickets purchased through Ticketmaster are in
28 Responding Party's possession, custody or control.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 14

All Communications with any Person regarding Ticketmaster or Tickets purchased through Ticketmaster.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 14

Responding Party objects to this request to the extent that it seeks all communications regarding Ticketmaster as burdensome and oppressive. Responding Party objects to this request as it is beyond the scope of permissible discovery. Responding Party objects to this request as it is overbroad. Responding Party objects to this request as it is compound; and therefore, it is vague and ambiguous. Notwithstanding Responding Party's objections, after a diligent search and reasonable inquiry, Responding Party is unable to comply with this request to the extent that it seeks information regarding Tickets purchased through Ticketmaster, as responding party does not have any records reflecting the purchase of any Tickets from Ticketmaster's website.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 15

All Documents regarding Ticketmaster or Tickets purchased through Ticketmaster.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 15

Responding Party objects to this request to the extent that it seeks all documents regarding Ticketmaster as burdensome and oppressive. Responding Party objects to this request as it is beyond the scope of permissible discovery. Responding Party objects to this request as it is overbroad. Responding Party objects to this request as it is compound; and therefore, it is vague and ambiguous. Notwithstanding Responding Party's objections, after a diligent search and reasonable inquiry, Responding Party is unable to comply with this request to the extent that it seeks information regarding Tickets purchased through Ticketmaster, as Responding Party does not have any records reflecting the purchase of any Tickets from Ticketmaster's website.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 16

All Communications to or from Ticketmaster.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 16

Responding Party objects to this request as it is beyond the scope of permissible discovery. Responding Party objects to this request as it is overbroad. Responding Party objects to this request as the information sought would equally be in the possession, custody, or control of Propounding Party. Notwithstanding Responding Party's objections, after a diligent search and reasonable inquiry, Responding Party is unable to comply with this request as it does not have any documents reflecting any communications to or from Ticketmaster in its possession, custody or control.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 17

All Documents relating to and sufficient to identify all Persons, including but not limited to ticket brokers or resellers, with whom you communicated about Tickets purchased through Ticketmaster.

RESPONSE TO REQUEST FOR PRODUCTION NO.: 17

Responding Party objects to this request as it is beyond the scope of permissible discovery. Responding Party objects to this request as it is overbroad. Notwithstanding Responding Party's objections, after a diligent search and reasonable inquiry, Responding Party is unable to comply with this request as it does not have any documents in its possession, custody or control regarding Tickets purchased through Ticketmaster.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 18

All contracts between You and any ticket broker, reseller or any other Person regarding the sale or transfer of Tickets.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 18

Responding Party objects to this request as it is beyond the scope of permissible discovery. Responding party objects to this request as it is overbroad.

1 Notwithstanding Responding Party's objections, after a diligent search and
2 reasonable inquiry, Responding Party is unable to comply with this request as no
3 such documents exist or ever has existed.

4 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 19**

5 All records, including but not limited to logs, schedules, spread sheets and
6 other records of any type, regarding the purchase of Tickets.

7 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 19**

8 After a diligent search and reasonable inquiry, Responding Party is unable
9 to comply with this request as no such documents exist.

10 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 20**

11 All Documents relating to and sufficient to identify the name of every
12 Person who purchased Tickets using Your technology.

13 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 20**

14 Responding Party objects to this request as it is oppressive and burdensome.
15 Responding Party objects to this request as it seeks information which constitutes
16 "trade secrets" or other "confidential research, development or commercial
17 information" pursuant to Rule 26(c)(7). Notwithstanding the foregoing
18 objections, after a diligent search and reasonable inquiry, Responding Party is
19 unable to comply with this request as no such documents exist.

20 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 21**

21 All Documents relating to every credit card used by You, on Your behalf, or
22 by Your clients to purchase Tickets.

23 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 21**

24 Responding Party objects to this request as exceeding permissible
25 discovery, as it is irrelevant to the issues in the instant matter. Responding Party
26 objects to this request as it seeks information which constitutes "trade secrets" or
27 other "confidential research, development or commercial information" pursuant to
28 Rule 26(c)(7). Responding Party objects to this request as it seeks confidential

1 financial information of third parties. Notwithstanding the foregoing objections,
2 after a diligent search and reasonable inquiry, Responding Party is unable to
3 comply with this request as no such documents exist.

4 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 22**

5 All Documents relating to and sufficient to identify every name used by
6 You, on Your behalf, or by Your clients to purchase Tickets.

7 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 22**

8 Responding Party objects to this request as exceeding permissible
9 discovery, as it is irrelevant to the issues in the instant matter. Responding Party
10 objects to this request as it seeks information which constitutes "trade secrets" or
11 other "confidential research, development or commercial information" pursuant to
12 Rule 26(c)(7). Responding Party objects to this request as it seeks confidential
13 financial information of third parties. Notwithstanding the foregoing objections,
14 after a diligent search and reasonable inquiry, Responding Party is unable to
15 comply with this request as no such documents exist.

16 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 23**

17 All Documents relating to and sufficient to identify every physical address
18 used by You, on Your behalf, or by Your clients to purchase Tickets.

19 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 23**

20 Responding Party objects to this request as exceeding permissible
21 discovery, as it is irrelevant to the issues in the instant matter. Responding Party
22 objects to this request as it seeks information which constitutes "trade secrets" or
23 other "confidential research, development or commercial information" pursuant to
24 Rule 26(c)(7). Responding Party objects to this request as it seeks confidential
25 financial information of third parties. Notwithstanding the foregoing objections,
26 after a diligent search and reasonable inquiry, Responding Party is unable to
27 comply with this request as no such documents exist.

28 //

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 24

All Documents relating to and sufficient to identify every email address used by You, on Your behalf, or by Your clients to purchase Tickets.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 24

Responding Party objects to this request as exceeding permissible discovery, as it is irrelevant to the issues in the instant matter. Responding Party objects to this request as it seeks information which constitutes "trade secrets" or other "confidential research, development or commercial information" pursuant to Rule 26(c)(7). Responding Party objects to this request as it seeks confidential financial information of third parties. Notwithstanding the foregoing objections, after a diligent search and reasonable inquiry, Responding Party is unable to comply with this request as no such documents exist.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 25

All Documents relating to all Internet Protocol ("IP") addresses used by You, on Your behalf, or by Your clients to purchase Tickets.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 25

Responding Party objects to this request as exceeding permissible discovery, as it is irrelevant to the issues in the instant matter. Notwithstanding the foregoing objection, after a diligent search and reasonable inquiry, Responding Party is unable to comply with this request as no such documents exist.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 26

All Documents relating to and sufficient to identify all Internet Service Provider ("ISP") services provided or used by You, on Your behalf, or by Your clients to purchase Tickets.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 26

Responding Party objects to this request as exceeding permissible discovery, as it is irrelevant to the issues in the instant matter. Notwithstanding the foregoing objection, after a diligent search and reasonable inquiry, Responding

1 Party is unable to comply with this request as no such documents exist.

2 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 27**

3 All Communications between You and any ISP.

4 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 27**

5 Responding Party objects to this request as exceeding permissible
6 discovery, as it is irrelevant to the issues in the instant matter. Responding Party
7 objects to this request as it is overbroad. Responding Party objects to this request
8 as it is burdensome and oppressive.

9 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 28**

10 All Documents relating to the efforts You made to conceal from
11 Ticketmaster the fact that Tickets were being purchased from Ticketmaster for
12 Your benefit, on Your behalf, or by using Your technology.

13 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 28**

14 Responding Party objects to this request as it is vague, ambiguous and
15 unintelligible as to the meaning of the word "efforts." Notwithstanding the
16 foregoing objection, after a diligent search and reasonable inquiry, Responding
17 Party is unable to comply with this request as no such documents exist.

18 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 29**

19 All Communications relating to the efforts You made to conceal from
20 Ticketmaster the fact that Tickets were being purchased from Ticketmaster for
21 Your benefit, on Your behalf, or by using Your technology.

22 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 29**

23 Responding Party objects to this request as it is vague, ambiguous and
24 unintelligible as to the meaning of the word "efforts." Notwithstanding the
25 foregoing objection, after a diligent search and reasonable inquiry, Responding
26 Party is unable to comply with this request as no such documents exist.

27 //

28 //

1 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 30**

2 All Communications between you and any Person relating to the sale or
3 transfer of Tickets.

4 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 30**

5 Responding Party objects to this request as it is vague, ambiguous and
6 unintelligible as to the meaning of the word "you." Notwithstanding the foregoing
7 objection, after a diligent search and reasonable inquiry, Responding Party is
8 unable to comply with this request as no such documents exist.

9 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 31**

10 All Communications between you and any Person relating to Ticketmaster.

11 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 31**

12 Responding party objects to this request as exceeding permissible
13 discovery, as it is irrelevant to the issues in the instant matter. Responding Party
14 objects to this request as it is burdensome and oppressive. Responding Party
15 objects to this request as it is overbroad. Responding Party objects to this request
16 as it is vague, ambiguous and unintelligible as to the meaning of the word "you."

17 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 32**

18 All documents that identify all persons to whom You sold, leased, rented,
19 licensed or otherwise provided any and all products or services mentioned in
20 Exhibit 1 of Ticketmaster's *Motion for Preliminary Injunction* filed in this case
21 ("MPI Exh. 1") (attached hereto).

22 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 32**

23 Responding Party objects to this request as exceeding permissible
24 discovery, as it is irrelevant to the issues in the instant matter. Responding Party
25 objects to this request as it seeks information which constitutes "trade secrets" or
26 other "confidential research, development or commercial information" pursuant to
27 Rule 26(c)(7). Responding Party objects to this request as it seeks confidential
28 financial information of third parties. Notwithstanding the foregoing objections,

1 after a diligent search and reasonable inquiry, Responding Party is unable to
2 comply with this request as no such documents exist. All of the products listed in
3 MPI Exh. 1 are obsolete, have not been used for several years, and were not saved
4 by Responding Party.

5 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 33**

6 All Communications between You and any Person relating to the products
7 or services mentioned in MPI Exh. 1.

8 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 33**

9 Responding Party objects to this request as exceeding permissible
10 discovery, as it is irrelevant to the issues in the instant matter. Responding Party
11 objects to this request as it seeks information which constitutes "trade secrets" or
12 other "confidential research, development or commercial information" pursuant to
13 Rule 26(c)(7). Responding Party objects to this request as it seeks confidential
14 financial information of third parties. Notwithstanding the foregoing objections,
15 after a diligent search and reasonable inquiry, Responding Party is unable to
16 comply with this request as no such documents exist. All of the products listed in
17 MPI Exh. 1 related to Ticketmaster are obsolete, have not been used for several
18 years, and were not saved by Responding Party. Triple play is unrelated to
19 Ticketmaster, and Responding Party objects to producing any information relative
20 to same.

21 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 34**

22 All Documents, including but not limited to financial records, relating to all
23 revenue You have received relating to all products and services mentioned in MPI
24 Exh. 1.

25 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 34**

26 Responding Party objects to this request as exceeding permissible
27 discovery, as it is irrelevant to the issues in the instant matter. Responding Party
28 objects to this request as it seeks information which constitutes "trade secrets" or

1 other "confidential research, development or commercial information" pursuant to
2 Rule 26(c)(7). Responding Party objects to this request as it seeks confidential
3 financial information of third parties. Notwithstanding the foregoing objections,
4 after a diligent search and reasonable inquiry, Responding Party is unable to
5 comply with this request as no such documents exist. All of the products listed in
6 MPI Exh. 1 related to Ticketmaster are obsolete, have not been used for several
7 years, and were not saved by Responding Party. Triple play is unrelated to
8 Ticketmaster, and Responding Party objects to producing any information relative
9 to same.

10 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 35**

11 All Documents relating to the source code, object code, HTML and other
12 computer code for all computer programs identified in MPI Exh. 1.

13 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 35**

14 Responding Party objects to this request as exceeding permissible
15 discovery, as it is irrelevant to the issues in the instant matter. Responding Party
16 objects to this request as it seeks information which constitutes "trade secrets" or
17 other "confidential research, development or commercial information" pursuant to
18 Rule 26(c)(7). Responding Party objects to this request as it seeks confidential
19 financial information of third parties. Notwithstanding the foregoing objections,
20 Responding Party will produce documents concerning the HTML and source code
21 for RMG's "TBAT," "Super Proxy" and other products and services used to
22 facilitate purchases on ticketmaster.com.

23 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 36**

24 All Documents relating to all agreements You entered into with any Person
25 to whom You sold, leased, rented, licensed, or otherwise provided an Automated
26 Device(s).

27 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 36**

28 Responding Party objects to this request as exceeding permissible

1 discovery, as it is irrelevant to the issues in the instant matter. Responding Party
2 objects to this request as it seeks information which constitutes "trade secrets" or
3 other "confidential research, development or commercial information" pursuant to
4 Rule 26(c)(7). Responding Party objects to this request as it seeks confidential
5 financial information of third parties.

6 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 37**

7 All Documents relating to all methods of avoiding detection of Your
8 activities or Your clients' activities by Ticketmaster.

9 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 37**

10 Responding Party objects to this request as it is vague, ambiguous and
11 unintelligible as to the term "activities." Notwithstanding the foregoing objection,
12 Responding Party is unable to comply with this request as no such documents
13 exist.

14 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 38**

15 All Documents relating to all Persons who created or helped create any
16 computer programs identified in MPI Exh. 1.

17 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 38**

18 Responding Party does not have any of the requested information in its
19 possession, custody or control, as same is obsolete.

20 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 39**

21 All Communications You have had with any Person to whom You sold,
22 leased, rented, or licensed or otherwise made available any products or services
23 mentioned in MPI Exh. I.

24 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 39**

25 Responding Party objects to this request as exceeding permissible
26 discovery, as it is irrelevant to the issues in the instant matter. Responding party
27 objects to this request as it seeks information regarding Triple Play, which is
28 unrelated to Ticketmaster. Notwithstanding the foregoing objections, Responding

1 Party does not have any of the requested information in its possession, custody or
2 control, as same is obsolete.

3 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 40**

4 All Documents relating to and sufficient to identify all Persons who are or
5 have been employed by You from January 1, 2001 to present.

6 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.:**
7 **40**

8 Responding Party will comply with this request.

9 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 41**

10 All Documents relating to all visits You made to Ticketmaster's website
11 (www.ticketmaster.com) from January 1, 2001 to present.

12 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.:**
13 **41**

14 Responding Party objects to this request as it is beyond the scope of
15 permissible discovery. Responding Party objects to this request as being
16 burdensome and oppressive. Responding Party objects to this request as it seeks
17 information which is already in the possession, custody or control of Propounding
18 Party.

19 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 42**

20 All Documents relating to the function, ownership, and maintenance of
21 corporate existence of RMG, including articles of incorporation, minutes,
22 resolutions, etc.

23 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.:**
24 **42**

25 Responding Party will comply with this request.

26 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 43**

27 All Documents relating to the function, ownership, and maintenance of
28 corporate existence of Ticket Broker Tools, Inc., including articles of

1 incorporation, minutes, resolutions, etc.

2 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.:**

3 **43**

4 Responding Party will comply with this request.

5 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 44**

6 All Documents relating to and sufficient to identify all of Your officers and
7 directors.

8 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.:**

9 **44**

10 Responding Party will comply with this request.

11 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 45**

12 All Documents relating to and sufficient to identify all of Your
13 shareholders.

14 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.:**

15 **45**

16 Responding Party will comply with this request.

17 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 46**

18 All Documents relating to all Internet Protocol ("IP") addresses You have
19 registered in the name of RMG, Ticket Broker Tools, Inc., or in the name of any of
20 Your prior or affiliated businesses, employees' names, or in the name of any other
21 Person(s) acting for Your benefit or on Your behalf.

22 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.:**

23 **46**

24 Responding Party will comply with this request.

25 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 47**

26 All Documents relating to all IP addresses registered by You for the use of
27 Your clients.

28 //

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.:

47

Responding Party will comply with this request.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 48

All Documents relating to all websites You have registered in the name of RMG, Ticket Broker Tools, Inc., or in any of Your prior business names, employees' names, or in the name of any other Person(s) acting for Your benefit or on Your behalf.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 48

Responding Party will comply with this request.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 49

All Documents relating to all web pages viewable on www.ticketbrokertools.com.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 49

Responding Party objects to this request as it seeks documents, which by their very nature, are accessible to Propounding Party. Responding Party objects to this request as it is propounded for no other reason than to harass and annoy.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 50

All Documents relating to all web pages viewable on <http://tbat.ticketbrokertools.com>.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 50

Responding Party objects to this request as it seeks documents, which by their very nature, are accessible to Propounding Party. Responding Party objects to this request as it is propounded for no other reason than to harass and annoy. Responding Party objects to this request as it seeks information which it has already represented to the Court that it has accessed prior to bringing the *ex parte* application. Notwithstanding the foregoing objections, Responding Party does not have any documents in its possession, custody or control responsive to this request

1 because <http://tbat.ticketbrokertools.com> is not viewable; it is a software program.

2 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 51**

3 All Documents relating to all html and other computer code needed to create
4 www.ticketbrokertools.com, or which is accessible from that website.

5 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 51**

6 Responding Party will comply with this request.

7 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 52**

8 All Documents relating to all html and other computer code needed to create
9 <http://tbat.ticketbrokertools.com>, or which, is accessible from that website.

10 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 52**

11 Responding Party will comply with this request.

12 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 53**

13 All Documents relating to every visitor to www.ticketbrokertools.com from
14 January 1, 2001 to present.

15 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 53**

16 Responding Party objects to this request as burdensome and oppressive.
17 Responding party objects to this request as it is beyond the scope of permissible
18 discovery. Responding Party objects to this request as it is overbroad since it
19 seeks information which is unrelated to Ticketmaster. Responding Party objects to
20 this request as it seeks "trade secrets" and "confidential information" and
21 "commercial information" of Responding Party.

22 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 54**

23 All Documents relating to every visitor to www.tbat.ticketbrokertools.com
24 from January 1, 2001 to present.

25 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 54**

26 Responding Party objects to this request as burdensome and oppressive.
27 Responding party objects to this request as it is beyond the scope of permissible
28 discovery. Responding Party objects to this request as it is overbroad since it

1 seeks information which is unrelated to Ticketmaster. Responding Party objects to
2 this request as it seeks "trade secrets" and "confidential information" and
3 "commercial information" of Responding Party. Notwithstanding the foregoing
4 objections, Responding Party does not have any documents responsive to this
5 request in its possession, custody or control because
6 www.tbatticketbrokertools.com does not exist.

7 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 55**

8 All Documents relating to all advertising, promotion, or marketing of all
9 products or services described in MPI Exh. 1, in any form, context or medium

10 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 55**

11 Responding Party does not have any of the requested information in its
12 possession, custody or control, as same is obsolete.

13 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 56**

14 All Documents relating to all of Your revenues or profits from the sale or
15 lease of Automated Devices and software used to access Ticketmaster's website
16 and buy Tickets.

17 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 56**

18 Responding Party objects to this request as it is vague, ambiguous and
19 overbroad. Responding Party objects to this request as it seeks information
20 beyond the scope of permissible discovery that is not relevant to the issues in the
21 instant lawsuit. Notwithstanding said objections, Responding Party cannot
22 comply with this request as it did not receive any revenues or profits from the sale
23 or lease of Automated Devices and software used to access Ticketmaster's website
24 and buy Tickets.

25 **REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 57**

26 All Documents relating to all of Your revenues or profits from the sale or
27 lease of Automated Devices and software used to access any ticket selling website.

28 //

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 57

Responding Party objects to this request as it seeks information beyond the scope of permissible discovery that is not relevant to the issues in the instant lawsuit, as it specifically requests information unrelated to Ticketmaster.

Responding Party objects to this request as it is burdensome and oppressive.

Responding Party objects to this request as it is propounded for no reason other than to harass and annoy.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 58

All Communications You had with any Person relating to the RMG products.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 58

Responding Party objects to this request as it seeks information beyond the scope of permissible discovery that is not relevant to the issues in the instant lawsuit, as it specifically requests information unrelated to Ticketmaster.

Responding Party objects to this request as it is burdensome and oppressive.

Responding Party objects to this request as it is propounded for no reason other than to harass and annoy. Responding Party objects to this request as it is overbroad.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 59

All Documents relating to every Internet Protocol ("IP") address used by You, Your customers, or on Your behalf to purchase Tickets.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 59

Responding Party cannot comply with this request it does not have any documents in its possession, custody or control which reflect IP addresses for the Tickets, since RMG has no records concerning its purchase of same.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 60

All Communications between You and any other Person regarding this lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 60

Responding Party objects to this request as it seeks information beyond the scope of permissible discovery that is not relevant to the issues in the instant lawsuit. Responding Party objects to this request as it is propounded for no reason other than to harass and annoy. Responding Party objects to this request to the extent that it seeks information protected by the attorney-client privilege. Privilege log will be provided.

REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 61

All Communications between You and any other Person regarding any lawsuit brought by Ticketmaster in the U.S. District Court, Central District of California.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO.: 61

Responding Party objects to this request as it seeks information beyond the scope of permissible discovery that is not relevant to the issues in the instant lawsuit. Responding Party objects to this request as it is propounded for no reason other than to harass and annoy. Responding Party objects to this request to the extent that it seeks information protected by the attorney-client privilege. Privilege log will be provided.

Dated: November 14, 2007 COGGAN & TARLOW


By: Joshua G. Blum
Attorneys for RMG Technologies, Inc.

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: **1925 Century Park East, #2320, Los Angeles, California 90067.**


On November 14, 2007, I served the foregoing document described as **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS** on all interested parties in this action by placing true copies thereof, enclosed in sealed envelopes, and addressed as follows:

Robert H. Platt, Esq.
Donald Brown Esq.
Manatt, Phelps & Phillips, LLP
11355 West Olympic Blvd.
Los Angeles, CA 90064-1614

(X) BY MAIL. I caused such envelopes to be deposited in the mail. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on the same day with postage thereon, fully prepaid, at Los Angeles, California in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California and the United States that the above is true and correct.

Executed on this 14th day of November, 2007, at Los Angeles, California.


Monet Heslup

DNT

From: DNT
Sent: Wednesday, November 21, 2007 10:26 AM
To: Lee, Mark
Subject: RE: Order Granting Expedited Discovery

The discs got caught up in transit. I don't have them yet. I am informed that the information on the discs can be accessed at the link below. I will call you now with the password. I am informed that the information on this link below satisfies categories (a), (e), (f), (g) and (h) of the Court's Order. I am informed that I will be receiving an email within the next hour or so with information that satisfies categories (c) and (i). I am informed that categories (b) and (j) do not exist, therefore, RMG does not have the ability to comply. I am informed that RMG cannot comply with category (d) as it does not have access to, possession, custody or control over any of its clients computers, nor does any RMG "client" computer exist.

http://www.ticketbrokertools.com/document_production.zip

From: Lee, Mark [mailto:mlee@manatt.com]
Sent: Wednesday, November 21, 2007 10:17 AM
To: Lee, Mark; DNT
Subject: RE: Order Granting Expedited Discovery

Dear David:

My team is ready to start reviewing the materials. Any idea when the discs will arrive?

Sincerely,

Mark S. Lee
Manatt, Phelps & Phillips, LLP
11355 W. Olympic Blvd.
Los Angeles, CA 90064
Phone: 310-312-4128
Fax: 310-312-4224

From: Lee, Mark
Sent: Tuesday, November 20, 2007 1:34 PM
To: 'DNT'
Subject: RE: Order Granting Expedited Discovery

Dear David:

Thank you for your clarifying email. We will look for the discs and emails tomorrow morning. Rest assured that we will treat the materials as specified in the court's order.

Sincerely,

Mark S. Lee
Manatt, Phelps & Phillips, LLP
11355 W. Olympic Blvd.
Los Angeles, CA 90064
Phone: 310-312-4128
Fax: 310-312-4224

3/21/2008

131

DNT

From: DNT
Sent: Wednesday, November 21, 2007 10:49 AM
To: Lee, Mark
Subject: RE: Order Granting Expedited Discovery
Attachments: Payment_status_and_Invoice_value_RMG.xls

More documents.

From: Lee, Mark [mailto:mlee@manatt.com]
Sent: Wednesday, November 21, 2007 10:40 AM
To: DNT
Subject: RE: Order Granting Expedited Discovery

My people are looking at this now, but had a couple of questions. Is everything that is on the discs accessible though this password protected link? Also, can Ticketmaster's IT personnel access this link from a Ticketmaster IP address?

Clarification would be appreciated.

Thanks,
Mark S. Lee
Manatt, Phelps & Phillips, LLP
11355 W. Olympic Blvd.
Los Angeles, CA 90064
Phone: 310-312-4128
Fax: 310-312-4224

From: DNT [mailto:dnt@cogganlaw.com]
Sent: Wednesday, November 21, 2007 10:26 AM
To: Lee, Mark
Subject: RE: Order Granting Expedited Discovery

The discs got caught up in transit. I don't have them yet. I am informed that the information on the discs can be accessed at the link below. I will call you now with the password. I am informed that the information on this link below satisfies categories (a), (e), (f), (g) and (h) of the Court's Order. I am informed that I will be receiving an email within the next hour or so with information that satisfies categories (c) and (i). I am informed that categories (b) and (j) do not exist, therefore, RMG does not have the ability to comply. I am informed that RMG cannot comply with category (d) as it does not have access to, possession, custody or control over any of its clients computers, nor does any RMG "client" computer exist.

http://www.ticketbrokertools.com/document_production.zip

From: Lee, Mark [mailto:mlee@manatt.com]
Sent: Wednesday, November 21, 2007 10:17 AM
To: Lee, Mark; DNT
Subject: RE: Order Granting Expedited Discovery

Dear David:

3/21/2008

132

DNT

From: DNT
Sent: Wednesday, November 21, 2007 10:51 AM
To: Lee, Mark
Subject: Document Production
Attachments: CJDUEINVOICES.zip; past invoicesCJ.zip; Past_Invoices.zip;
Payment_status_and_Invoice_value_RMG.xls

More documents.

DNT

From: DNT
Sent: Wednesday, November 21, 2007 1:15 PM
To: Lee, Mark
Subject: FW: Property Files

Attachments: beacon.properties; proxy.properties; proxy.properties2; typing.properties



beacon.properties
(369 B)



proxy.properties
(901 B)



proxy.properties2
(1 KB)



typing.properties
(271 B)

More documents.

DNT

From: DNT
Sent: Monday, November 26, 2007 1:29 PM
To: Lee, Mark
Subject: FW: properties files

Attachments: typing.properties; beacon.properties; proxy.properties; proxy.properties2; ATT32899.txt



typing.properties
(307 B)



beacon.properties
(405 B)



proxy.properties
(937 B)



proxy.properties2
(1 KB)



ATT32899.txt (264
B)

I received over the weekend.

Further properties files which

DNT

From: DNT
Sent: Monday, November 26, 2007 1:52 PM
To: Lee, Mark
Subject: FW: properties files

Attachments: properties_files.zip; ATT39647.txt



properties_files.zip ATT39647.txt (835
(3 KB) B)

Further files. I am informed that these are identical to those
already forwarded to you.

JAY M. COGGAN, State Bar No. 86107
DAVID N. TARLOW, State Bar No. 214050
JOSHUA G. BLUM, State Bar No. 249082
COGGAN & TARLOW
1925 Century Park East, Suite 2320
Los Angeles, California 90067
Tel: (310) 407-0922
Fax: (310) 407-0923

Attorneys for Defendant/Cross-Complainant RMG TECHNOLOGIES, INC., a Delaware corporation

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**TICKETMASTER L.L.C., a
Virginia limited liability company,**

Plaintiff,

v.

**RMG TECHNOLOGIES, INC., a
Delaware corporation and DOES 1
through 10, inclusive,**

Defendants.

**Case No.: CJ 07-2534
ABC(JWJx)**

**DEFENDANT RMG
TECHNOLOGIES, INC.
RESPONSE TO REQUEST FOR
PRODUCTION OF
DOCUMENTS (SET ONE)**

PROPOUNDING PARTY: RMG TECHNOLOGIES, INC., a Delaware corporation

RESPONDING PARTY: TICKETMASTER L.L.C., a Virginia limited liability company

SET NO.: ONE

**TO PLAINTIFF/COUNTERCLAIM-DEFENDANT TICKETMASTER
L.L.C., a Virginia limited liability company AND ITS ATTORNEYS OF
RECORD:**

Request for Production of Documents

1 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, defendant
2 and counter-claimant RMG TECHNOLOGIES, INC. ("RMG") hereby requests
3 that plaintiff and counter-defendant TICKETMASTER L.L.C., a Virginia
4 limited liability company ("Ticketmaster") respond in writing to the following
5 requests for documents and things and produce and permit the inspection and
6 photocopying of the documents and tangible things hereinafter designated at the
7 offices of COGGAN & TARLOW, 1925 Century Park East, Suite 2320, Los
8 Angeles, California within 30 days of service of these demands. Alternatively,
9 the production may be accomplished by your delivery of copies of the requested
10 documents and tangible things to Coggan & Tarlow at the above address
11 provided that Ticketmaster or its authorized representative will make the
12 originals of such documents and tangible things available for inspection and
13 photocopying at a later date and upon reasonable notice by RMG or its
14 authorized representative.

15 In responding to these requests, Ticketmaster is required by the
16 Federal Rules of Civil Procedure to produce all responsive and
17 non-privileged documents and tangible things in its possession, custody, or
18 control, including those in the possession, custody, or control of its
19 attorneys, agents, or other representatives.

DEFINITIONS AND INSTRUCTIONS

1
2
3 1. "YOU," "YOUR" or "TICKETMASTER" shall mean
4 Plaintiff/Counterclaim-Defendant Ticketmaster LLC, a Virginia LLC, and any
5 other person or entities acting on its behalf, including, but not limited to any
6
7 parents, subsidiaries, agents or representatives, as well as IAC/Interactive Corp., a
8 Delaware corporation, Ticketmaster, a Delaware corporation or Tickemaster-
9
10 Indiana, an Indiana joint venture.

11 2. The term "PERSON" or "PERSONS" shall include a natural person,
12
13 firm, association, organization, partnership, business, trust, limited
14 liability company, corporation, or entity of any sort.

15 3. The term "CLIENT" or "CLIENTS" shall mean the are
16
17 venues, promoters, entertainers, sports franchises and other PERSONS
18 who hire Ticketmaster to sell tickets to live events.
19

20 4. The term "CUSTOMER" or "CUSTOMERS" shall mean
21 the ticket purchasing public.
22

23 5. The term "DOCUMENT" or "DOCUMENTS" shall mean any
24 recorded communication, representation or writing as defined by the Federal
25 Rules of Evidence and the Federal Rules of Civil Procedure, including originals
26
27 and duplicates, whether in draft or otherwise, and copies and non-identical
28

1 copies (whether different from the originals because of notes or marks made on
2 or attached to said copies, or otherwise). It specifically includes all written,
3 typewritten, printed or graphic materials of whatever kind or nature, including,
4 but not limited to, any and all purchase orders, inventories, invoices, receipts,
5 drawings, memoranda, letters, notes, telegrams, publications, contracts, records,
6 papers, books, recordings on tape, magnetic discs, wire or drums, checks,
7 computer files, **electronic mail**, drafts, money orders, worksheets, working
8 papers, notebooks, diaries, calendars, graphs, charts, screenplays, treatments,
9 business records of all kinds, and similar writings, whether or not in YOUR
10 possession or under YOUR control, no matter how prepared, or by whom, which
11 relate to or pertain in any manner to the subject matter of the request, and all
12 drafts or copies (including non-identical copies) prepared in connections with
13 such documents, whether used or not.

14
15 6. "COMMUNICATION" or "COMMUNICATIONS" shall mean any
16 transmission of information of any sort whatsoever by one or more PERSONS
17 to one or more PERSONS and/or between one or more PERSONS, by any
18 means whatsoever, including but not limited to telephone conversations, letters,
19 documents, telegrams, teletypes, telecopies, written memoranda, e-mail
20 messages and face-to-face conversations.
21
22
23
24
25
26
27
28

1 7. The words "or" and "including," and similar words of guidance, are
2 merely such, and should not be construed as words of limitation; the word "or,"
3
4 for example, shall include the word "and," as appropriate, and the word
5
6 "including" shall not be used to limit any general category description that
7 precedes it.

8 8. Pursuant to Rule 26(b)(5) of the Federal Rules of Civil Procedure, if
9
10 YOU withhold information otherwise discoverable by claiming that it is
11
12 privileged or subject to protection as trial preparation material, YOU shall make
13
14 the claim expressly in a privilege log and shall describe the nature of the
15
16 documents, communications, or things not produced or disclosed in a manner
17
18 that, without revealing information itself privileged or protected, will enable
19
20 other parties to assess the applicability of the privilege or protection. In the event
21
22 that any information has been redacted from any document produced in response
23
24 to these requests, YOU must identify that information and the basis or bases upon
25
26 which such information was redacted in a privilege log to be produced
27
28 concurrently with YOUR written response thereto.

24 9. Unless otherwise specified, the time period covered by these requests
25
26 is January 1, 2002 to the present.

27 7. YOUR responses to these requests are to be supplemented in
28

1 accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

2
3 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

4 **REQUEST FOR PRODUCTION NUMBER ONE**

5 Any and all DOCUMENTS which refer, reflect or relate to YOUR method
6 of determining convenience charges for tickets sold on ticketmaster.com.
7

8 **REQUEST FOR PRODUCTION NUMBER TWO**

9
10 Any and all DOCUMENTS which refer, reflect or relate to all factors
11 considered by YOU in determining convenience charges for tickets purchased on
12 ticketmaster.com.
13

14 **REQUEST FOR PRODUCTION NUMBER THREE**

15 Any and all DOCUMENTS which refer, reflect or relate to the identity of all
16 PERSONS involved in the decision making process of determining convenience
17 charges for tickets purchased on ticketmaster.com.
18
19

20 **REQUEST FOR PRODUCTION NUMBER FOUR**

21 Any and all DOCUMENTS which refer, reflect or relate to whether internet
22 security costs are factored into YOUR convenience charges.
23

24 **REQUEST FOR PRODUCTION NUMBER FIVE**

25 Any and all DOCUMENTS which refer, reflect or relate to whether the
26 costs associated with paying YOUR information technology staff are factored into
27
28

1 YOUR convenience charges.

2 **REQUEST FOR PRODUCTION NUMBER SIX**

3
4 Any and all DOCUMENTS which refer, reflect or relate to any research
5 which YOU conducted in determining convenience charges for tickets sold on
6 ticketmaster.com.
7

8 **REQUEST FOR PRODUCTION NUMBER SEVEN**

9
10 Any and all DOCUMENTS which refer, reflect or relate to any interviews
11 YOU gave to the media regarding the "Hannah Montana/Miley Cyrus Best of Both
12 Worlds" tour in the year 2007.
13

14 **REQUEST FOR PRODUCTION NUMBER EIGHT**

15 Any and all DOCUMENTS which refer, reflect or relate to any
16 communications that YOU have had with the Attorney General of Arkansas,
17 Dustin McDaniel.
18

19 **REQUEST FOR PRODUCTION NUMBER NINE**

20
21 Any and all DOCUMENTS which refer, reflect or relate to any
22 communications that YOU have had with the Attorney General of Missouri, Jay
23 Nixon.
24

25 **REQUEST FOR PRODUCTION NUMBER TEN**

26
27 Any and all DOCUMENTS which refer, reflect or relate to the purpose of
28

1 the CAPTCHA page on the ticketmaster.com website, including, but not limited to
2 emails, internal memoranda, meeting notes, manuals, handbooks and training
3 materials.
4

5 **REQUEST FOR PRODUCTION NUMBER ELEVEN**
6

7 Any and all DOCUMENTS which refer, reflect or relate to any copyrights
8 which YOU own in the ticketmaster.com website.
9

10 **REQUEST FOR PRODUCTION NUMBER TWELVE**

11 Any and all DOCUMENTS which refer, reflect or relate to any claim that
12 YOU have made for loss of goodwill from January 1, 2002 to present, including,
13 but not limited to corporate tax returns, financial statements and profit and loss
14 statements.
15
16

17 **REQUEST FOR PRODUCTION NUMBER THIRTEEN**

18 Any and all DOCUMENTS which refer, reflect or relate to any investigation
19 that YOU have performed regarding the use of "spiders" on the ticketmaster.com
20 website.
21
22

23 **REQUEST FOR PRODUCTION NUMBER FOURTEEN**

24 Any and all DOCUMENTS which refer, reflect or relate to any investigation
25 that YOU have performed regarding the use of "robots" on the ticketmaster.com
26 website.
27
28

1 **REQUEST FOR PRODUCTION NUMBER FIFTEEN**

2
3 Any and all DOCUMENTS which refer, reflect or relate to any investigation
4 that YOU have performed regarding the use of "bots" on the ticketmaster.com
5 website.
6

7 **REQUEST FOR PRODUCTION NUMBER SIXTEEN**

8
9 Any and all DOCUMENTS which refer, reflect or relate to any investigation
10 that YOU have performed regarding the use of "automatic devices" on the
11 ticketmaster.com website.
12

13 **REQUEST FOR PRODUCTION NUMBER SEVENTEEN**

14
15 Any and all DOCUMENTS which refer, reflect or relate to any investigation
16 that YOU have performed regarding the use of "automated processes" on the
17 ticketmaster.com website.
18

19 **REQUEST FOR PRODUCTION NUMBER EIGHTEEN**

20
21 Any and all DOCUMENTS which refer, reflect or relate to any investigation
22 that YOU have performed with respect to RMG Technologies, Inc., a Delaware
23 corporation.
24

25 **REQUEST FOR PRODUCTION NUMBER NINETEEN**

26
27 Any and all DOCUMENTS which refer, reflect or relate to RMG
28 Technologies, Inc., a Delaware corporation.

1 **REQUEST FOR PRODUCTION NUMBER TWENTY**

2 Any and all DOCUMENTS which refer, reflect or relate to any
3 communications between YOU and Chris Kovach.
4

5 **REQUEST FOR PRODUCTION NUMBER TWENTY-ONE**

6 Any and all DOCUMENTS which refer, reflect or relate to the settlement
7 agreement between YOU and Chris Kovach, as referenced in YOUR motion for
8 preliminary injunction in this matter.
9
10

11 **REQUEST FOR PRODUCTION TWENTY-TWO**

12 Any and all DOCUMENTS which refer, reflect or relate to any purchase of
13 tickets that Chris Kovach or anyone on his behalf made on ticketmaster.com prior
14 to May of 2007.
15
16

17 **REQUEST FOR PRODUCTION NUMBER TWENTY-THREE**

18 Any and all DOCUMENTS which refer, reflect or relate to any purchase of
19 tickets that Chris Kovach or anyone on his behalf made on ticketmaster.com
20 subsequent to May of 2007.
21
22

23 **REQUEST FOR PRODUCTION NUMBER TWENTY-FOUR**

24 Any and all DOCUMENTS which refer, reflect or relate to the first time
25 YOU learned that RMG's devices were allegedly being used on ticketmaster.com.
26

27 //

1 **REQUEST FOR PRODUCTION NUMBER TWENTY-FIVE**

2 Any and all DOCUMENTS which refer, reflect or relate to any
3
4 technological measure that YOU have taken to stop the use of "spiders" on the
5 ticketmaster.com website.
6

7 **REQUEST FOR PRODUCTION NUMBER TWENTY-SIX**

8 Any and all DOCUMENTS which refer, reflect or relate to any
9
10 technological measure that YOU have taken to stop the use of "robots" on the
11 ticketmaster.com website.
12

13 **REQUEST FOR PRODUCTION NUMBER TWENTY-SEVEN**

14 Any and all DOCUMENTS which refer, reflect or relate to any
15
16 technological measure that YOU have taken to stop the use of "bots" on the
17 ticketmaster.com website.
18

19 **REQUEST FOR PRODUCTION NUMBER TWENTY-EIGHT**

20 Any and all DOCUMENTS which refer, reflect or relate to any
21
22 technological measure that YOU have taken to stop the use of "automatic devices"
23 on the ticketmaster.com website.
24

25 **REQUEST FOR PRODUCTION NUMBER TWENTY-NINE**

26 Any and all DOCUMENTS which refer, reflect or relate to any
27
28 technological measure that YOU have taken to stop the use of "automated

processes" on the ticketmaster.com website.

REQUEST FOR PRODUCTION NUMBER THIRTY

Any and all DOCUMENTS which refer, reflect or relate to any measures YOU took to calculate the actual damages that YOU would incur in the event that a user of ticketmaster.com accessed more than 1,000 pages of the ticketmaster.com website in any twenty four (24) hour period.

REQUEST FOR PRODUCTION NUMBER THIRTY-ONE

Any and all DOCUMENTS which refer, reflect or relate to the identity of any PERSON who performed any calculation on YOUR behalf as to the actual damages that YOU would incur in the event that a user of ticketmaster.com accessed more than 1,000 pages of the ticketmaster.com website in any twenty four (24) hour period.

REQUEST FOR PRODUCTION NUMBER THIRTY-TWO

Any and all DOCUMENTS which refer, reflect or relate to any monies that YOU have spent on technological measures that YOU have taken to stop the use of spiders, robots, bots, automatic devices or automated processes on the ticketmaster.com website.

REQUEST FOR PRODUCTION NUMBER THIRTY-THREE

Any and all DOCUMENTS which refer, reflect or relate to any PERSON

1 who YOU have employed, either as an employee or an independent contractor, in
2 an attempt to stop the use of spiders, robots, bots, automated devices or automated
3 processes on the ticketmaster.com website.
4

5 **REQUEST FOR PRODUCTION NUMBER THIRTY-FOUR**
6

7 Any and all DOCUMENTS which refer, reflect or relate to any money that
8 you have paid to any PERSON who YOU have employed, either as an employee
9 or an independent contractor, in an attempt to stop the use of spiders, robots, bots,
10 automated devices or automated processes on the ticketmaster.com website.
11

12 **REQUEST FOR PRODUCTION NUMBER THIRTY-FIVE**
13

14 Any and all DOCUMENTS which refer, reflect or relate to any complaints
15 that any of YOUR CLIENTS have made to YOU regarding the use of spiders,
16 robots, bots, automated devices or automated processes on the ticketmaster.com
17 website.
18

19 **REQUEST FOR PRODUCTION NUMBER THIRTY-SIX**
20

21 Any and all DOCUMENTS which refer, reflect or relate to any complaints
22 that any of YOUR CLIENTS have made to YOU regarding YOUR inability to
23 distribute tickets in a fair and equitable manner.
24

25 **REQUEST FOR PRODUCTION NUMBER THIRTY-SEVEN**
26

27 Any and all DOCUMENTS which refer, reflect or relate to any complaints
28

1 that any of YOUR CUSTOMERS have made to YOU regarding YOUR inability
2 to distribute tickets in a fair and equitable manner.
3

4 **REQUEST FOR PRODUCTION NUMBER THIRTY-EIGHT**

5 Any and all DOCUMENTS which refer, reflect or relate to the number of
6 tickets available for retail sale for each concert on the "Hannah Montana & Miley
7 Cyrus: Best of Both Worlds Tour" from January 1, 2007 through February 2008.
8
9

10 **REQUEST FOR PRODUCTION NUMBER THIRTY-NINE**

11 Any and all DOCUMENTS which refer, reflect or relate to the number of
12 tickets available for retail sale to fan club members for each concert on the
13 "Hannah Montana & Miley Cyrus: Best of Both Worlds Tour" from January 1,
14 2007 through February 2008.
15
16

17 **REQUEST FOR PRODUCTION NUMBER FORTY**

18 Any and all DOCUMENTS which refer, reflect or relate to the number of
19 tickets available for retail sale to the general public for each concert on the
20 "Hannah Montana & Miley Cyrus: Best of Both Worlds Tour" from January 1,
21 2007 through February 2008.
22
23

24 **REQUEST FOR PRODUCTION NUMBER FORTY-ONE**

25 Any and all DOCUMENTS which refer, reflect or relate to the number of
26 tickets retained by Miley Cyrus for each concert on the "Hannah Montana &
27
28

1 Miley Cyrus: Best of Both Worlds Tour” from January 1, 2007 through February
2 2008.

3
4 **REQUEST FOR PRODUCTION NUMBER FORTY-TWO**

5 Any and all DOCUMENTS which refer, reflect or relate to the number of
6 tickets retained by the promoters of the “Hannah Montana & Miley Cyrus: Best of
7 Both Worlds Tour” for all concerts of the tour from January 1, 2007 through
8 February 2008.
9

10
11 **REQUEST FOR PRODUCTION NUMBER FORTY-THREE**

12 Any and all DOCUMENTS which refer, reflect or relate to the number of
13 tickets retained by the venues where the “Hannah Montana & Miley Cyrus: Best
14 of Both Worlds Tour” occurred for all concerts of the tour from January 1, 2007
15 through February 2008.
16

17
18 **REQUEST FOR PRODUCTION NUMBER FORTY-FOUR**

19 Any and all DOCUMENTS which refer, reflect or relate to all tickets to the
20 “Hannah Montana & Miley Cyrus: Best of Both Worlds Tour” which YOU sold
21 on the auction portion of the ticketmaster.com website from January 1, 2007 to
22 present.
23

24
25 **REQUEST FOR PRODUCTION NUMBER FORTY-FIVE**

26 Any and all DOCUMENTS which refer, reflect or relate to the price of each
27
28

1 ticket to the "Hannah Montana & Miley Cyrus: Best of Both Worlds Tour" which
2
3 YOU sold on the auction portion of the ticketmaster.com website from January 1,
4 2007 to present.

5
6 **REQUEST FOR PRODUCTION NUMBER FORTY-SIX**

7 Any and all DOCUMENTS which refer, reflect or relate to all tickets to the
8 "Hannah Montana & Miley Cyrus: Best of Both Worlds Tour" which were sold on
9 TicketExchange portion of the ticketmaster.com website from January 1, 2007 to
10 present.
11

12
13 **REQUEST FOR PRODUCTION NUMBER FORTY-SEVEN**

14 Any and all DOCUMENTS which refer, reflect or relate to all convenience
15 charges YOU were paid as a result of sales on the TicketExchange portion of the
16 ticketmaster.com website for the "Hannah Montana & Miley Cyrus: Best of Both
17 Worlds Tour" from January 1, 2007 to present.
18

19
20 **REQUEST FOR PRODUCTION NUMBER FORTY-EIGHT**

21 Any and all DOCUMENTS which refer, reflect or relate to any agreements
22 you had with any PERSON to sell tickets to the "Hannah Montana & Miley Cyrus:
23 Best of Both Worlds Tour."
24

25
26 **REQUEST FOR PRODUCTION NUMBER FORTY-NINE**

27 Any and all DOCUMENTS which refer, reflect or relate to any tickets
28

1 purchased by or on behalf of Thomas J. Prior on the ticketmaster.com website
2
3 from February 1, 2007 to present.

4 **REQUEST FOR PRODUCTION NUMBER FIFTY**

5 Any and all DOCUMENTS which refer, reflect or relate to any tickets
6
7 purchased by or on behalf of Gary Charles Bonner on the ticketmaster.com
8
9 website from February 1, 2007 to present.

10 **REQUEST FOR PRODUCTION NUMBER FIFTY-ONE**

11 Any and all DOCUMENTS which refer, reflect or relate to any tickets
12
13 purchased by or on behalf of Designer Tickets on the ticketmaster.com website
14
15 from February 1, 2007 to present.

16 **REQUEST FOR PRODUCTION NUMBER FIFTY-TWO**

17 Any and all DOCUMENTS which refer, reflect or relate to any
18
19 communications that YOU have had with Barry's Tickets, located in Los Angeles,
20
21 California, regarding the possible sale of the Barry's Tickets business to YOU.

22 **REQUEST FOR PRODUCTION NUMBER FIFTY-THREE**

23 Any and all DOCUMENTS which refer, reflect or relate to any
24
25 communications that YOU have had with Sea Coast Ticket Agency, Inc. located in
26
27 Portsmouth, New Hampshire, regarding the possible sale of the Sea Coast Ticket
28
Agency business to YOU.

1 **REQUEST FOR PRODUCTION NUMBER FIFTY-FOUR**

2 Any and all DOCUMENTS which refer, reflect or relate to any
3 communications that YOU have had with Total Travel and Tickets in Florida
4 regarding the possible sale of the Total Travel and Tickets business to YOU.
5
6

7 **REQUEST FOR PRODUCTION NUMBER FIFTY-FIVE**

8 Any and all DOCUMENTS which refer, reflect or relate to any
9 communications that YOU have had with Admit One, located in New York, new
10 York regarding the possible sale of the Admit One business to YOU.
11
12

13 **REQUEST FOR PRODUCTION NUMBER FIFTY-SIX**

14 Any and all DOCUMENTS which refer, reflect or relate to any
15 communications that YOU have had with As Off Music regarding the possible
16 sale of the As Off Music business to YOU.
17
18

19 **REQUEST FOR PRODUCTION NUMBER FIFTY-SEVEN**

20 Any and all DOCUMENTS which refer, reflect or relate to any tickets that
21 YOU have sold to Barry's Tickets in Los Angeles, California from January 1,
22 2007 to present.
23

24 **REQUEST FOR PRODUCTION NUMBER FIFTY-EIGHT**

25 Any and all DOCUMENTS which refer, reflect or relate to any
26 complementary tickets that YOU have given to Barry's Tickets in Los Angeles,
27
28

1 California from January 1, 2007 to present.

2
3 **REQUEST FOR PRODUCTION NUMBER NINE**

4 Any and all DOCUMENTS which refer, reflect or relate to any tickets that
5 YOU have sold to Sea Coast Ticket Agency, located in Portsmouth, New
6
7 Hampshire from January 1, 2007 to present.

8 **REQUEST FOR PRODUCTION NUMBER SIXTY**

9
10 Any and all DOCUMENTS which refer, reflect or relate to any
11 complementary tickets that YOU have given to Sea Coast Ticket Agency, located
12
13 in Portsmouth, New Hampshire from January 1, 2007 to present.

14 **REQUEST FOR PRODUCTION NUMBER SIXTY-ONE**

15
16 Any and all DOCUMENTS which refer, reflect or relate to any tickets that
17 YOU have sold to Total Travel and Tickets, located in Florida, from January 1,
18
19 2007 to present.

20 **REQUEST FOR PRODUCTION NUMBER SIXTY-TWO**

21
22 Any and all DOCUMENTS which refer, reflect or relate to any
23 complementary tickets that YOU have given to Total Travel and Tickets, located
24
25 in Florida from January 1, 2007 to present.

26 **REQUEST FOR PRODUCTION NUMBER SIXTY-THREE**

27 Any and all DOCUMENTS which refer, reflect or relate to any tickets that
28

1 YOU have sold to Admit One, located in New York, from January 1, 2007 to
2 present.
3

4 **REQUEST FOR PRODUCTION NUMBER SIXTY-FOUR**

5 Any and all DOCUMENTS which refer, reflect or relate to any
6 complementary tickets that YOU have given to Admit One, located in New York,
7 from January 1, 2007 to present.
8
9

10 **REQUEST FOR PRODUCTION NUMBER SIXTY-FIVE**

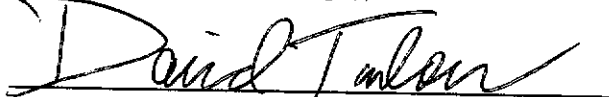
11 Any and all DOCUMENTS which refer, reflect or relate to any tickets that
12 YOU have sold to As Off Music from January 1, 2007 to present.
13

14 **REQUEST FOR PRODUCTION NUMBER SIXTY-SIX**

15 Any and all DOCUMENTS which refer, reflect or relate to any
16 complementary tickets that YOU have given to As Off Music from January 1,
17 2007 to present.
18
19

20 Dated: December 7, 2007

COGGAN & TARLOW

21 
22

By: David N. Tarlow

23 Attorneys for RMG Technologies, Inc.
24
25
26
27
28

DNT

From: DNT
Sent: Monday, January 07, 2008 3:22 PM
To: 'White, Alison Sultan'
Subject: Ticketmaster v. RMG

Attachments: doc-20080107152741.pdf



doc-200801071527
41.pdf (3 MB)

Alison-

Here is the first batch of docs. More to come. Supplemental response to request for docs in process of being prepared.

David Tarlow

1 MANATT, PHELPS & PHILLIPS, LLP
2 ROBERT H. PLATT (Bar No. CA 108533)
3 rplatt@manatt.com
4 MARK S. LEE (Bar No. CA 094103)
5 mlee@manatt.com
6 DONALD R. BROWN (Bar No. CA 156548)
7 dbrown@manatt.com
8 11355 West Olympic Boulevard
9 Los Angeles, CA 90064-1614
10 Telephone: (310) 312-4000
11 Facsimile: (310) 312-4224

12 Attorneys for *Plaintiff*
13 TICKETMASTER L.L.C.

14 UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 TICKETMASTER L.L.C., a Virginia
17 limited liability company,

18 Plaintiff,

19 vs.

20 RMG TECHNOLOGIES, INC., a
21 Delaware corporation, and DOES 1
22 through 10, inclusive,

23 Defendants.

No. CV 07-2534 ABC (JWJx)

**PLAINTIFF TICKETMASTER
L.L.C.'S RESPONSES TO RMG
TECHNOLOGIES, INC.'S
REQUESTS FOR PRODUCTION
OF DOCUMENTS (SET ONE)**

24 PROPOUNDING PARTY: RMG TECHNOLOGIES, INC., a Delaware
25 corporation

26 RESPONDING PARTY: TICKETMASTER L.L.C., a Virginia limited
27 liability company

28 SET NO.: ONE (1)

GENERAL OBJECTIONS AND STATEMENT

29 Ticketmaster L.L.C. ("Plaintiff" or "Ticketmaster") makes the
30 following objections to the entire First Set of Requests For Production of
31 Documents propounded by Defendant RMG Technologies, Inc.'s ("Defendant"):

1 1. This Response is subject to all objections ordinarily available if
2 such statements or documents were offered in court. All such objections are hereby
3 expressly reserved and may be interposed at the time of trial or at any other time.
4 By providing this Response, Ticketmaster is not making any incidental or implied
5 admissions regarding the content of any document requested. No response or
6 objection to any Request herein should be taken as an admission that Ticketmaster
7 admits the existence of any fact set forth in or assumed by the Request, or that such
8 response or objection constitutes admissible evidence. No response to any Request
9 is intended to be, nor shall any response be construed as, a waiver by Ticketmaster
10 of all or any part of any objection to any request.

11 2. Ticketmaster's research, discovery, and preparation for trial in
12 this matter is ongoing and is not yet complete. This Response is based upon the
13 current state of Ticketmaster's pre-trial preparation and the investigation that it has
14 conducted to date. Ticketmaster anticipates that its continuing discovery and
15 investigation may reveal information and documents not presently known to it,
16 upon which Ticketmaster may rely during trial. Accordingly, this Response is
17 made without prejudice to Ticketmaster's rights to produce documents at a later
18 date and to introduce them at the time of trial.

19 3. Ticketmaster objects to the "Definitions" and "Instructions" in
20 the Requests to the extent that they are inconsistent with and/or seek to impose
21 obligations beyond those imposed by the Federal Rules of Civil Procedure.

22 4. Ticketmaster objects to the "Definitions" and "Instructions" in
23 the Requests to the extent that they are vague, ambiguous, and unintelligible.

24 5. Ticketmaster objects to each Request to the extent it seeks
25 documents or information protected from discovery by the attorney-client privilege
26 or the attorney work product doctrine.

27 6. Ticketmaster objects to each Request to the extent it seeks to
28 discover trade secrets and/or any other private, sensitive, confidential, proprietary,

1 and/or commercial information, the disclosure of which could be damaging to the
2 business or property of Ticketmaster, Ticketmaster' customers or contractors, or
3 other related business entities.

4 7. Ticketmaster objects to each Request to the extent that it
5 violates the right of privacy of Plaintiff or any third party under the United States
6 Constitution, the California Constitution, and applicable statutes.

7 8. Ticketmaster objects to each Request to the extent it seeks the
8 disclosure or production of personal records regarding consumers without proper
9 notification to the consumer.

10 9. Ticketmaster objects to all the Requests to the extent that they
11 are vague, ambiguous, and unintelligible in that the manner in which specific
12 requests are phrased creates confusion given the issues involved in the litigation.

13 10. Ticketmaster objects to all the Requests to the extent they are
14 unduly burdensome and/or oppressive.

15 11. Ticketmaster objects to all the Requests to the extent they are
16 overbroad as to time or scope.

17 Each of the general responses and objections asserted above (the
18 "General Responses and Objections") applies to each Request where appropriate
19 and are incorporated into each of Ticketmaster's responses below as though set
20 forth in full.

21
22 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**
23 **REQUEST FOR PRODUCTION NO. 1:**

24 Any and all DOCUMENTS which refer, reflect or relate to YOUR method of
25 determining convenience charges for tickets sold on ticketmaster.com.
26
27
28

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not limited to the term "method". Plaintiff further objects to this request to the extent it lacks foundation. Plaintiff further objects to this request on the ground that it is compound, overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

REQUEST FOR PRODUCTION NO. 2:

Any and all DOCUMENTS which refer, reflect or relate to all factors considered by YOU in determining convenience charges for tickets purchased on ticketmaster.com.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not limited to the term "considered". Plaintiff further objects to this request to the extent it lacks foundation. Plaintiff further objects to this request on the ground that it is compound, overbroad, unduly burdensome and

1 oppressive. Plaintiff further objects to this request on the ground that it seeks the
 2 production of documents containing confidential, sensitive, proprietary,
 3 commercial, business and financial information. Plaintiff further objects to this
 4 request to the extent that it seeks documents protected by attorney-client privilege
 5 or the work-product doctrine.

6
 7 **REQUEST FOR PRODUCTION NO. 3:**

8 Any and all DOCUMENTS which refer, reflect or relate to the identity of all
 9 PERSONS involved in the decision making process of determining convenience
 10 charges for tickets purchased on ticketmaster.com.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

12 Plaintiff incorporates by reference each and every one of the General
 13 Responses and Objections as though fully set forth herein. Plaintiff further objects
 14 to this request because it seeks information neither relevant to the subject matter of
 15 this litigation nor reasonably calculated to lead to the discovery of admissible
 16 evidence. Plaintiff further objects to this request on the ground that it is vague and
 17 ambiguous, including but not limited to the phrase "decision making process".
 18 Plaintiff further objects to this request to the extent it lacks foundation. Plaintiff
 19 further objects to this request on the ground that it is compound, overbroad, unduly
 20 burdensome and oppressive. Plaintiff further objects to this request on the ground
 21 that it seeks the production of documents containing confidential, sensitive,
 22 proprietary, commercial, business and financial information. Plaintiff further
 23 objects to this request to the extent that it seeks documents protected by attorney-
 24 client privilege or the work-product doctrine.

25
 26 **REQUEST FOR PRODUCTION NO. 4:**

27 Any and all DOCUMENTS which refer, reflect or relate to whether internet
 28 security costs are factored into YOUR convenience charges.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not limited to the phrases "internet security costs" and "factored". Plaintiff further objects to this request to the extent it lacks foundation. Plaintiff further objects to this request on the ground that it is compound, overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Convenience charges are based, among other things, on Plaintiff's cost of doing business, which is in turn affected by the cost of, among other things, Plaintiff's attempt to maintain a secure website. Plaintiff has conducted a diligent search and reasonable inquiry during its effort to comply with this Request and has no documents currently within its possession, custody or control that identify the cost of attempting to maintain a secure website as a specific factor in determining convenience charges.

REQUEST FOR PRODUCTION NO. 5:

Any and all DOCUMENTS which refer, reflect or relate to whether the costs associated with paying YOUR information technology staff are factored into YOUR convenience charges.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not limited to the term "factored". Plaintiff further objects to this request to the extent it lacks foundation. Plaintiff further objects to this request on the ground that it is compound, overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Convenience charges are based, among other things, on Plaintiff's cost of doing business, which is in turn affected by the cost of, among other things, paying Plaintiff's information technology staff. Plaintiff has conducted a diligent search and reasonable inquiry during its effort to comply with this Request and has no documents currently within its possession, custody or control that identify the cost of paying its information technology staff as a specific factor in determining convenience charges.

REQUEST FOR PRODUCTION NO. 6:

Any and all DOCUMENTS which refer, reflect or relate to any research which YOU conducted in determining convenience charges for tickets sold on ticketmaster.com.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not limited to the term "research". Plaintiff further objects to this request to the extent it lacks foundation. Plaintiff further objects to this request on the ground that it is compound, overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

REQUEST FOR PRODUCTION NO. 7:

Any and all DOCUMENTS which refer, reflect or relate to any interviews YOU gave to the media regarding the "Hannah Montana/Miley Cyrus Best of Both Worlds" tour in the year 2007.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not limited to the term "research". Plaintiff further objects to this request on the ground that it is overbroad, unduly burdensome and

1 oppressive. Plaintiff further objects to this request to the extent that it seeks
2 documents protected by attorney-client privilege or the work-product doctrine.

3 Subject to and without waiving the foregoing objections, Plaintiff responds
4 as follows: Plaintiff will make all relevant, unprivileged responsive documents
5 available for inspection.

6
7 **REQUEST FOR PRODUCTION NO. 8:**

8 Any and all DOCUMENTS which refer, reflect or relate to any
9 communications that YOU have had with the Attorney General of Arkansas, Dustin
10 McDaniel.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

12 Plaintiff incorporates by reference each and every one of the General
13 Responses and Objections as though fully set forth herein. Plaintiff further objects
14 to this request because it seeks information neither relevant to the subject matter of
15 this litigation nor reasonably calculated to lead to the discovery of admissible
16 evidence. Plaintiff further objects to this request on the ground that it is overbroad,
17 unduly burdensome and oppressive. Plaintiff further objects to this request to the
18 extent that it seeks documents protected by attorney-client privilege or the work-
19 product doctrine.

20 Subject to and without waiving the foregoing objections, Plaintiff responds
21 as follows: Plaintiff will make all relevant, unprivileged responsive documents
22 available for inspection.

23
24 **REQUEST FOR PRODUCTION NO. 9:**

25 Any and all DOCUMENTS which refer, reflect or relate to any
26 communications that YOU have had with the Attorney General of Missouri, Jay
27 Nixon.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff will make all relevant, unprivileged responsive documents available for inspection.

REQUEST FOR PRODUCTION NO. 10:

Any and all DOCUMENTS which refer, reflect or relate to the purpose of the CAPTCHA page on the ticketmaster.com website, including, but not limited to emails, internal memoranda, meeting notes, manuals, handbooks and training materials.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request on the ground that it is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

1 Subject to and without waiving the foregoing objections, Plaintiff responds
2 as follows: Plaintiff will make all relevant, non-privileged responsive documents
3 available for inspection under mutually agreeable terms, following entry of a
4 mutually agreeable protective order.

5
6 **REQUEST FOR PRODUCTION NO. 11:**

7 Any and all DOCUMENTS which refer, reflect or relate to any copyrights
8 which YOU own in the ticketmaster.com website.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

10 Plaintiff incorporates by reference each and every one of the General
11 Responses and Objections as though fully set forth herein. Plaintiff further objects
12 to this request to the extent it seeks information neither relevant to the subject
13 matter of this litigation nor reasonably calculated to lead to the discovery of
14 admissible evidence. Plaintiff further objects to this request on the ground that it is
15 overbroad, unduly burdensome and oppressive. Plaintiff further objects to this
16 request on the ground that it seeks the production of documents containing
17 confidential, sensitive, proprietary, commercial, business and financial information.
18 Plaintiff further objects to this request to the extent that it seeks documents
19 protected by attorney-client privilege or the work-product doctrine.

20 Subject to and without waiving the foregoing objections, Plaintiff responds
21 as follows: Plaintiff will make all relevant, non-privileged responsive documents
22 pertaining to the copyrights alleged in the operative complaint available for
23 inspection under mutually agreeable terms, following entry of a mutually agreeable
24 protective order.

25
26 **REQUEST FOR PRODUCTION NO. 12:**

27 Any and all DOCUMENTS which refer, reflect or relate to any claim that
28 YOU have made for loss of goodwill from January 1, 2002 to present, including,

1 but not limited to corporate tax returns, financial statements and profit and loss
2 statements.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

4 Plaintiff incorporates by reference each and every one of the General
5 Responses and Objections as though fully set forth herein. Plaintiff further objects
6 to this request because it is vague, ambiguous and unintelligible, including but not
7 limited to the phrase "any claim that YOU have made for loss of goodwill."
8 Plaintiff further objects to this request to the extent it seeks information neither
9 relevant to the subject matter of this litigation nor reasonably calculated to lead to
10 the discovery of admissible evidence. Plaintiff further objects to this request on the
11 ground that it is overbroad, unduly burdensome and oppressive. Plaintiff further
12 objects to this request on the ground that it seeks the production of documents
13 containing confidential, sensitive, proprietary, commercial, business and financial
14 information. Plaintiff further objects to this request to the extent that it seeks
15 documents protected by attorney-client privilege or the work-product doctrine.

16
17 **REQUEST FOR PRODUCTION NO. 13:**

18 Any and all DOCUMENTS which refer, reflect or relate to any investigation
19 that YOU have performed regarding the use of "spiders" on the ticketmaster.com
20 website.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

22 Plaintiff incorporates by reference each and every one of the General
23 Responses and Objections as though fully set forth herein. Plaintiff further objects
24 to this request because it seeks information neither relevant to the subject matter of
25 this litigation nor reasonably calculated to lead to the discovery of admissible
26 evidence. Plaintiff further objects to this request because it is vague and
27 ambiguous. Plaintiff further objects to this request on the ground that it is
28 overbroad, unduly burdensome and oppressive. Plaintiff further objects to this

1 request on the ground that it seeks the production of documents containing
2 confidential, sensitive, proprietary, commercial, business and financial information.
3 Plaintiff further objects to this request to the extent that it seeks documents
4 protected by attorney-client privilege or the work-product doctrine.

5 Subject to and without waiving the foregoing objections, Plaintiff responds
6 as follows: Plaintiff will make all relevant, non-privileged responsive documents
7 available for inspection under mutually agreeable terms, following entry of a
8 mutually agreeable protective order.

9
10 **REQUEST FOR PRODUCTION NO. 14:**

11 Any and all DOCUMENTS which refer, reflect or relate to any investigation
12 that YOU have performed regarding the use of "robots" on the ticketmaster.com
13 website.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

15 Plaintiff incorporates by reference each and every one of the General
16 Responses and Objections as though fully set forth herein. Plaintiff further objects
17 to this request because it seeks information neither relevant to the subject matter of
18 this litigation nor reasonably calculated to lead to the discovery of admissible
19 evidence. Plaintiff further objects to this request because it is vague and
20 ambiguous. Plaintiff further objects to this request on the ground that it is
21 overbroad, unduly burdensome and oppressive. Plaintiff further objects to this
22 request on the ground that it seeks the production of documents containing
23 confidential, sensitive, proprietary, commercial, business and financial information.
24 Plaintiff further objects to this request to the extent that it seeks documents
25 protected by attorney-client privilege or the work-product doctrine.

26 Subject to and without waiving the foregoing objections, Plaintiff responds
27 as follows: Plaintiff will make all relevant, non-privileged responsive documents
28

1 available for inspection under mutually agreeable terms, following entry of a
2 mutually agreeable protective order.

3
4 **REQUEST FOR PRODUCTION NO. 15:**

5 Any and all DOCUMENTS which refer, reflect or relate to any investigation
6 that YOU have performed regarding the use of "bots" on the ticketmaster.com web
7 site.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

9 Plaintiff incorporates by reference each and every one of the General
10 Responses and Objections as though fully set forth herein. Plaintiff further objects
11 to this request because it seeks information neither relevant to the subject matter of
12 this litigation nor reasonably calculated to lead to the discovery of admissible
13 evidence. Plaintiff further objects to this request because it is vague and
14 ambiguous. Plaintiff further objects to this request on the ground that it is
15 overbroad, unduly burdensome and oppressive. Plaintiff further objects to this
16 request on the ground that it seeks the production of documents containing
17 confidential, sensitive, proprietary, commercial, business and financial information.
18 Plaintiff further objects to this request to the extent that it seeks documents
19 protected by attorney-client privilege or the work-product doctrine.

20 Subject to and without waiving the foregoing objections, Plaintiff responds
21 as follows: Plaintiff will make all relevant, non-privileged responsive documents
22 available for inspection under mutually agreeable terms, following entry of a
23 mutually agreeable protective order.

24
25 **REQUEST FOR PRODUCTION NO. 16:**

26 Any and all DOCUMENTS which refer, reflect or relate to any investigation
27 that YOU have performed regarding the use of "automatic devices" on the
28 ticketmaster.com website.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request because it is vague and ambiguous. Plaintiff further objects to this request on the ground that it is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff will make all relevant, non-privileged responsive documents available for inspection under mutually agreeable terms, following entry of a mutually agreeable protective order.

REQUEST FOR PRODUCTION NO. 17:

Any and all DOCUMENTS which refer, reflect or relate to any investigation that YOU have performed regarding the use of "automated processes" on the ticketmaster.com website.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request because it is vague and ambiguous. Plaintiff further objects to this request on the ground that it is

1 overbroad, unduly burdensome and oppressive. Plaintiff further objects to this
2 request on the ground that it seeks the production of documents containing
3 confidential, sensitive, proprietary, commercial, business and financial information.
4 Plaintiff further objects to this request to the extent that it seeks documents
5 protected by attorney-client privilege or the work-product doctrine.

6 Subject to and without waiving the foregoing objections, Plaintiff responds
7 as follows: Plaintiff will make all relevant, non-privileged responsive documents
8 available for inspection under mutually agreeable terms, following entry of a
9 mutually agreeable protective order.

10
11 **REQUEST FOR PRODUCTION NO. 18:**

12 Any and all DOCUMENTS which refer, reflect or relate to any investigation
13 that YOU have performed with respect to RMG Technologies, Inc., a Delaware
14 corporation.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

16 Plaintiff incorporates by reference each and every one of the General
17 Responses and Objections as though fully set forth herein. Plaintiff further objects
18 to this request to the extent it seeks information neither relevant to the subject
19 matter of this litigation nor reasonably calculated to lead to the discovery of
20 admissible evidence. Plaintiff further objects to this request on the ground that it is
21 vague and ambiguous. Plaintiff further objects to this request on the ground that it
22 is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this
23 request on the ground that it seeks the production of documents containing
24 confidential, sensitive, proprietary, commercial, business and financial information.
25 Plaintiff further objects to this request to the extent that it seeks documents
26 protected by attorney-client privilege or the work-product doctrine.

27 Subject to and without waiving the foregoing objections, Plaintiff responds
28 as follows: Plaintiff will make all relevant, non-privileged responsive documents

1 available for inspection under mutually agreeable terms, following entry of a
2 mutually agreeable protective order.

3
4 **REQUEST FOR PRODUCTION NO. 19:**

5 Any and all DOCUMENTS which refer, reflect or relate to RMG
6 Technologies, Inc., a Delaware corporation.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

8 Plaintiff incorporates by reference each and every one of the General
9 Responses and Objections as though fully set forth herein. Plaintiff further objects
10 to this request to the extent that it seeks information neither relevant to the subject
11 matter of this litigation nor reasonably calculated to lead to the discovery of
12 admissible evidence. Plaintiff further objects to this request on the ground that it is
13 vague and ambiguous. Plaintiff further objects to this request on the ground that it
14 is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this
15 request on the ground that it seeks the production of documents containing
16 confidential, sensitive, proprietary, commercial, business and financial information.
17 Plaintiff further objects to this request to the extent that it seeks documents
18 protected by attorney-client privilege or the work-product doctrine.

19 Subject to and without waiving the foregoing objections, Plaintiff responds
20 as follows: Plaintiff will make all relevant, non-privileged responsive documents
21 available for inspection under mutually agreeable terms, following entry of a
22 mutually agreeable protective order.

23
24 **REQUEST FOR PRODUCTION NO. 20:**

25 Any and all DOCUMENTS which refer, reflect or relate to any
26 communications between YOU and Chris Kovach.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff will make all relevant, non-privileged responsive documents available for inspection under mutually agreeable terms, following entry of a mutually agreeable protective order.

REQUEST FOR PRODUCTION NO. 21:

Any and all DOCUMENTS which refer, reflect or relate to the settlement agreement between YOU and Chris Kovach, as referenced in YOUR motion for preliminary injunction in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request to the extent it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff

1 further objects to this request to the extent that it seeks documents protected by
2 attorney-client privilege or the work-product doctrine.

3 Subject to and without waiving the foregoing objections, Plaintiff responds
4 as follows: Plaintiff will make all relevant, non-privileged responsive documents
5 available for inspection under mutually agreeable terms, following entry of a
6 mutually agreeable protective order.

7
8 **REQUEST FOR PRODUCTION NO. 22:**

9 Any and all DOCUMENTS which refer, reflect or relate to any purchase of
10 tickets that Chris Kovach or anyone on his behalf made on ticketmaster.com prior
11 to May of 2007.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

13 Plaintiff incorporates by reference each and every one of the General
14 Responses and Objections as though fully set forth herein. Plaintiff further objects
15 to this request to the extent that it seeks information neither relevant to the subject
16 matter of this litigation nor reasonably calculated to lead to the discovery of
17 admissible evidence. Plaintiff further objects to this request on the ground that it is
18 overbroad, unduly burdensome and oppressive. Plaintiff further objects to this
19 request on the ground that it seeks the production of documents containing
20 confidential, sensitive, proprietary, commercial, business and financial information.
21 Plaintiff further objects to this request on the ground that it violates the right to
22 privacy of a third party. Plaintiff further objects to this request to the extent that it
23 seeks documents protected by attorney-client privilege or the work-product
24 doctrine.

25 Subject to and without waiving the foregoing objections, Plaintiff responds
26 as follows: Plaintiff will make all relevant, non-privileged responsive documents
27 available for inspection under mutually agreeable terms, following entry of a
28 mutually agreeable protective order.

REQUEST FOR PRODUCTION NO. 23:

Any and all DOCUMENTS which refer, reflect or relate to any purchase of tickets that Chris Kovach or anyone on his behalf made on ticketmaster.com subsequent to May of 2007.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

REQUEST FOR PRODUCTION NO. 24:

Any and all DOCUMENTS which refer, reflect or relate to the first time YOU learned that RMG's devices were allegedly being used on ticketmaster.com.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request to the extent that it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not limited to the phrase "RMG's devices." Plaintiff further objects to this request on the ground that it seeks the production of

1 documents containing confidential, sensitive, proprietary, commercial, business and
 2 financial information. Plaintiff further objects to this request to the extent that it
 3 seeks documents protected by attorney-client privilege or the work-product
 4 doctrine.

5 Subject to and without waiving the foregoing objections, Plaintiff responds
 6 as follows: Plaintiff will make all relevant, non-privileged responsive documents
 7 available for inspection under mutually agreeable terms, following entry of a
 8 mutually agreeable protective order.

9
 10 **REQUEST FOR PRODUCTION NO. 25:**

11 Any and all DOCUMENTS which refer, reflect or relate to any technological
 12 measure that YOU have taken to stop the use of "spiders" on the ticketmaster.com
 13 website.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

15 Plaintiff incorporates by reference each and every one of the General
 16 Responses and Objections as though fully set forth herein. Plaintiff further objects
 17 to this request because it seeks information neither relevant to the subject matter of
 18 this litigation nor reasonably calculated to lead to the discovery of admissible
 19 evidence. Plaintiff further objects to this request on the ground that it is overbroad,
 20 unduly burdensome and oppressive. Plaintiff further objects to this request on the
 21 ground that it seeks the production of documents containing confidential, sensitive,
 22 proprietary, commercial, business and financial information. Plaintiff further
 23 objects to this request to the extent that it seeks documents protected by attorney-
 24 client privilege or the work-product doctrine.

25 Subject to and without waiving the foregoing objections, Plaintiff responds
 26 as follows: Plaintiff will make all relevant, non-privileged responsive documents
 27 available for inspection under mutually agreeable terms, following entry of a
 28 mutually agreeable protective order.

1
2 **REQUEST FOR PRODUCTION NO. 26:**

3 Any and all DOCUMENTS which refer, reflect or relate to any technological
4 measure that YOU have taken to stop the use of "robots" on the ticketmaster.com
5 website.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

7 Plaintiff incorporates by reference each and every one of the General
8 Responses and Objections as though fully set forth herein. Plaintiff further objects
9 to this request because it seeks information neither relevant to the subject matter of
10 this litigation nor reasonably calculated to lead to the discovery of admissible
11 evidence. Plaintiff further objects to this request on the ground that it is overbroad,
12 unduly burdensome and oppressive. Plaintiff further objects to this request on the
13 ground that it seeks the production of documents containing confidential, sensitive,
14 proprietary, commercial, business and financial information. Plaintiff further
15 objects to this request to the extent that it seeks documents protected by attorney-
16 client privilege or the work-product doctrine.

17 Subject to and without waiving the foregoing objections, Plaintiff responds
18 as follows: Plaintiff will make all relevant, non-privileged responsive documents
19 available for inspection under mutually agreeable terms, following entry of a
20 mutually agreeable protective order.

21
22 **REQUEST FOR PRODUCTION NO. 27:**

23 Any and all DOCUMENTS which refer, reflect or relate to any technological
24 measure that YOU have taken to stop the use of "bots" on the ticketmaster.com
25 website.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff will make all relevant, non-privileged responsive documents available for inspection under mutually agreeable terms, following entry of a mutually agreeable protective order.

REQUEST FOR PRODUCTION NO. 28:

Any and all DOCUMENTS which refer, reflect or relate to any technological measure that YOU have taken to stop the use of "automatic devices" on the ticketmaster.com website.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive,

1 proprietary, commercial, business and financial information. Plaintiff further
2 objects to this request to the extent that it seeks documents protected by attorney-
3 client privilege or the work-product doctrine.

4 Subject to and without waiving the foregoing objections, Plaintiff responds
5 as follows: Plaintiff will make all relevant, non-privileged responsive documents
6 available for inspection under mutually agreeable terms, following entry of a
7 mutually agreeable protective order.

8
9 **REQUEST FOR PRODUCTION NO. 29:**

10 Any and all DOCUMENTS which refer, reflect or relate to any technological
11 measure that YOU have taken to stop the use of "automated processes" on the
12 ticketmaster.com website.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

14 Plaintiff incorporates by reference each and every one of the General
15 Responses and Objections as though fully set forth herein. Plaintiff further objects
16 to this request because it seeks information neither relevant to the subject matter of
17 this litigation nor reasonably calculated to lead to the discovery of admissible
18 evidence. Plaintiff further objects to this request on the ground that it is overbroad,
19 unduly burdensome and oppressive. Plaintiff further objects to this request on the
20 ground that it seeks the production of documents containing confidential, sensitive,
21 proprietary, commercial, business and financial information. Plaintiff further
22 objects to this request to the extent that it seeks documents protected by attorney-
23 client privilege or the work-product doctrine.

24 Subject to and without waiving the foregoing objections, Plaintiff responds
25 as follows: Plaintiff will make all relevant, non-privileged responsive documents
26 available for inspection under mutually agreeable terms, following entry of a
27 mutually agreeable protective order.

REQUEST FOR PRODUCTION NO. 30:

Any and all DOCUMENTS which refer, reflect or relate to any measures YOU took to calculate the actual damages that YOU would incur in the event that a user of ticketmaster.com accessed more than 1,000 pages of the ticketmaster.com website in any twenty four (24) hour period.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request on the ground that it is compound, overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not limited to the phrase "any measures YOU took". Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff has conducted a diligent search and reasonable inquiry during its effort to comply with this Request and has no non-privileged documents currently within its possession, custody or control that are responsive to this Request.

REQUEST FOR PRODUCTION NO. 31:

Any and all DOCUMENTS which refer, reflect or relate to the identity of any PERSON who performed any calculation on YOUR behalf as to the actual damages that YOU would incur in the event that a user of ticketmaster.com accessed more than 1,000 pages of the ticketmaster.com website in any twenty four (24) hour period.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request on the ground that it is compound, overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not limited to the phrase "reflect or relate to the identity of". Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff has conducted a diligent search and reasonable inquiry during its effort to comply with this Request and has no non-privileged documents currently within its possession, custody or control that are responsive to this Request.

REQUEST FOR PRODUCTION NO. 32:

Any and all DOCUMENTS which refer, reflect or relate to any monies that YOU have spent on technological measures that YOU have taken to stop the use of spiders, robots, bots, automatic devices or automated processes on the ticketmaster.com website.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request to the extent that it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is

1 vague and ambiguous, including but not limited to the phrase “refer, reflect or relate
2 to any monies”. Plaintiff further objects to this request on the ground that it is
3 compound, overbroad, unduly burdensome and oppressive. Plaintiff further objects
4 to this request on the ground that it seeks the production of documents containing
5 confidential, sensitive, proprietary, commercial, business and financial information.
6 Plaintiff further objects to this request to the extent that it seeks documents
7 protected by attorney-client privilege or the work-product doctrine.

8 Subject to and without waiving the foregoing objections, Plaintiff responds
9 as follows: Plaintiff will make all relevant, non-privileged responsive documents
10 available for inspection under mutually agreeable terms, following entry of a
11 mutually agreeable protective order.

12
13 **REQUEST FOR PRODUCTION NO. 33:**

14 Any and all DOCUMENTS which refer, reflect or relate to any PERSON
15 who YOU have employed, either as an employee or an independent contractor, in
16 an attempt to stop the use of spiders, robots, bots, automated devices or automated
17 processes on the ticketmaster.com website.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

19 Plaintiff incorporates by reference each and every one of the General
20 Responses and Objections as though fully set forth herein. Plaintiff further objects
21 to this request on the ground that it is vague and ambiguous, including but not
22 limited to the phrase “employed . . . in an attempt”. Plaintiff further objects to
23 this request to the extent that it lacks foundation. Plaintiff further objects to this
24 request on the ground that it is overbroad, unduly burdensome and oppressive.
25 Plaintiff further objects to this request on the ground that it seeks the production of
26 documents containing confidential, sensitive, proprietary, commercial, business and
27 financial information. Plaintiff further objects to this request on the ground that it
28 violates the right to privacy of a third party. Plaintiff further objects to this request

1 to the extent that it seeks documents protected by attorney-client privilege or the
2 work-product doctrine.

3
4 **REQUEST FOR PRODUCTION NO. 34:**

5 Any and all DOCUMENTS which refer, reflect or relate to any money that
6 you have paid to any PERSON who YOU have employed, either as an employee or
7 an independent contractor, in an attempt to stop the use of spiders, robots, bots,
8 automated devices or automated processes on the ticketmaster.com website.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

10 Plaintiff incorporates by reference each and every one of the General
11 Responses and Objections as though fully set forth herein. Plaintiff further objects
12 to this request on the ground that it is vague and ambiguous, including but not
13 limited to the phrases "refer, reflect or relate to any money" and "employed . . . in
14 an attempt". Plaintiff further objects to this request to the extent that it lacks
15 foundation. Plaintiff further objects to this request on the ground that it is
16 compound, overbroad, unduly burdensome and oppressive. Plaintiff further objects
17 to this request on the ground that it seeks the production of documents containing
18 confidential, sensitive, proprietary, commercial, business and financial information.
19 Plaintiff further objects to this request on the ground that it violates the right to
20 privacy of a third party. Plaintiff further objects to this request to the extent that it
21 seeks documents protected by attorney-client privilege or the work-product
22 doctrine.

23 Subject to and without waiving the foregoing objections, Plaintiff responds
24 as follows: Plaintiff will make all relevant, non-privileged responsive documents
25 available for inspection under mutually agreeable terms, following entry of a
26 mutually agreeable protective order.

1 **REQUEST FOR PRODUCTION NO. 35:**

2 Any and all DOCUMENTS which refer, reflect or relate to any complaints
3 that any of YOUR CLIENTS have made to YOU regarding the use of spiders,
4 robots, bots, automated devices or automated processes on the ticketmaster.com
5 website.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

7 Plaintiff incorporates by reference each and every one of the General
8 Responses and Objections as though fully set forth herein. Plaintiff further objects
9 to this request on the ground that it is vague and ambiguous, including but not
10 limited to the term "complaints". Plaintiff further objects to this request on the
11 ground that it is compound, overbroad, unduly burdensome and oppressive.
12 Plaintiff further objects to this request on the ground that it seeks the production of
13 documents containing confidential, sensitive, proprietary, commercial, business and
14 financial information. Plaintiff further objects to this request on the ground that it
15 violates the right to privacy of a third party. Plaintiff further objects to this request
16 to the extent that it seeks documents protected by attorney-client privilege or the
17 work-product doctrine.

18 Subject to and without waiving the foregoing objections, Plaintiff responds
19 as follows: Plaintiff will make all relevant, non-privileged responsive documents
20 available for inspection under mutually agreeable terms, following entry of a
21 mutually agreeable protective order.

22
23 **REQUEST FOR PRODUCTION NO. 36:**

24 Any and all DOCUMENTS which refer, reflect or relate to any complaints
25 that any of YOUR CLIENTS have made to YOU regarding YOUR inability to
26 distribute tickets in a fair and equitable manner.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not limited to the term "complaints". Plaintiff further objects to this request on the ground that it is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request to the extent that it lacks foundation. Plaintiff further objects to this request to the extent that it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff will make all relevant, non-privileged responsive documents available for inspection under mutually agreeable terms, following entry of a mutually agreeable protective order.

REQUEST FOR PRODUCTION NO. 37:

Any and all DOCUMENTS which refer, reflect or relate to any complaints that any of YOUR CUSTOMERS have made to YOU regarding YOUR inability to distribute tickets in a fair and equitable manner.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not

1 limited to the term "complaints". Plaintiff further objects to this request to the
 2 extent that it lacks foundation. Plaintiff further objects to this request to the extent
 3 that it seeks information neither relevant to the subject matter of this litigation nor
 4 reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
 5 further objects to this request on the ground that it is overbroad, unduly burdensome
 6 and oppressive. Plaintiff further objects to this request on the ground that it seeks
 7 the production of documents containing confidential, sensitive, proprietary,
 8 commercial, business and financial information. Plaintiff further objects to this
 9 request on the ground that it violates the right to privacy of a third party. Plaintiff
 10 further objects to this request to the extent that it seeks documents protected by
 11 attorney-client privilege or the work-product doctrine.

12 Subject to and without waiving the foregoing objections, Plaintiff responds
 13 as follows: Plaintiff will make all relevant, non-privileged responsive documents
 14 available for inspection under mutually agreeable terms, following entry of a
 15 mutually agreeable protective order.

16
 17 **REQUEST FOR PRODUCTION NO. 38:**

18 Any and all DOCUMENTS which refer, reflect or relate to the number of
 19 tickets available for retail sale for each concert on the "Hannah Montana & Miley
 20 Cyrus: Best of Both Worlds Tour" from January 1, 2007 through February 2008.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

22 Plaintiff incorporates by reference each and every one of the General
 23 Responses and Objections as though fully set forth herein. Plaintiff further objects
 24 to this request because it seeks information neither relevant to the subject matter of
 25 this litigation nor reasonably calculated to lead to the discovery of admissible
 26 evidence. Plaintiff further objects to this request on the ground that it is vague and
 27 ambiguous, including but not limited to the phrase "number of tickets available for
 28 retail sale". Plaintiff further objects to this request on the ground that it is

1 compound, overbroad, unduly burdensome and oppressive. Plaintiff further objects
2 to this request on the ground that it seeks the production of documents containing
3 confidential, sensitive, proprietary, commercial, business and financial information.
4 Plaintiff further objects to this request to the extent that it seeks documents
5 protected by attorney-client privilege or the work-product doctrine.

6 Subject to and without waiving the foregoing objections, Plaintiff responds
7 as follows: Plaintiff will make all relevant, non-privileged responsive documents
8 available for inspection under mutually agreeable terms, following entry of a
9 mutually agreeable protective order.

10
11 **REQUEST FOR PRODUCTION NO. 39:**

12 Any and all DOCUMENTS which refer, reflect or relate to the number of
13 tickets available for retail sale to fan club members for each concert on the "Hannah
14 Montana & Miley Cyrus: Best of Both Worlds Tour" from January 1, 2007 through
15 February 2008.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

17 Plaintiff incorporates by reference each and every one of the General
18 Responses and Objections as though fully set forth herein. Plaintiff further objects
19 to this request because it seeks information neither relevant to the subject matter of
20 this litigation nor reasonably calculated to lead to the discovery of admissible
21 evidence. Plaintiff further objects to this request on the ground that it is vague and
22 ambiguous, including but not limited to the phrase "number of tickets available for
23 retail sale". Plaintiff further objects to this request on the ground that it is
24 compound, overbroad, unduly burdensome and oppressive. Plaintiff further objects
25 to this request on the ground that it seeks the production of documents containing
26 confidential, sensitive, proprietary, commercial, business and financial information.
27 Plaintiff further objects to this request to the extent that it seeks documents
28 protected by attorney-client privilege or the work-product doctrine.

1 Subject to and without waiving the foregoing objections, Plaintiff responds
2 as follows: Plaintiff will make all relevant, non-privileged responsive documents
3 available for inspection under mutually agreeable terms, following entry of a
4 mutually agreeable protective order.

5
6 **REQUEST FOR PRODUCTION NO. 40:**

7 Any and all DOCUMENTS which refer, reflect or relate to the number of
8 tickets available for retail sale to the general public for each concert on the "Hannah
9 Montana & Miley Cyrus: Best of Both Worlds Tour" from January 1, 2007 through
10 February 2008.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

12 Plaintiff incorporates by reference each and every one of the General
13 Responses and Objections as though fully set forth herein. Plaintiff further objects
14 to this request because it seeks information neither relevant to the subject matter of
15 this litigation nor reasonably calculated to lead to the discovery of admissible
16 evidence. Plaintiff further objects to this request on the ground that it is vague and
17 ambiguous, including but not limited to the phrases "number of tickets available for
18 retail sale" and "general public". Plaintiff further objects to this request on the
19 ground that it is compound, overbroad, unduly burdensome and oppressive.
20 Plaintiff further objects to this request on the ground that it seeks the production of
21 documents containing confidential, sensitive, proprietary, commercial, business and
22 financial information. Plaintiff further objects to this request to the extent that it
23 seeks documents protected by attorney-client privilege or the work-product
24 doctrine.

25 Subject to and without waiving the foregoing objections, Plaintiff responds
26 as follows: Plaintiff will make all relevant, non-privileged responsive documents
27 available for inspection under mutually agreeable terms, following entry of a
28 mutually agreeable protective order.

REQUEST FOR PRODUCTION NO. 41:

Any and all DOCUMENTS which refer, reflect or relate to the number of tickets retained by Miley Cyrus for each concert on the "Hannah Montana & Miley Cyrus: Best of Both Worlds Tour" from January 1, 2007 through February 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not limited to the term "retained". Plaintiff further objects to this request on the ground that it is compound, overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff has conducted a diligent search and reasonable inquiry during its effort to comply with this Request and has no documents currently within its possession, custody or control that are responsive to this Request.

REQUEST FOR PRODUCTION NO. 42:

Any and all DOCUMENTS which refer, reflect or relate to the number of tickets retained by the promoters of the "Hannah Montana & Miley Cyrus: Best of Both Worlds Tour" for all concerts of the tour from January 1, 2007 through February 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is vague and ambiguous, including but not limited to the term "retained". Plaintiff further objects to this request on the ground that it is compound, overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff has conducted a diligent search and reasonable inquiry during its effort to comply with this Request and has no documents currently within its possession, custody or control that are responsive to this Request.

REQUEST FOR PRODUCTION NO. 43:

Any and all DOCUMENTS which refer, reflect or relate to the number of tickets retained by the venues where the "Hannah Montana & Miley Cyrus: Best of Both Worlds Tour" occurred for all concerts of the tour from January 1, 2007 through February 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible

1 evidence. Plaintiff further objects to this request on the ground that it is vague and
 2 ambiguous, including but not limited to the term "retained". Plaintiff further
 3 objects to this request on the ground that it is compound, overbroad, unduly
 4 burdensome and oppressive. Plaintiff further objects to this request on the ground
 5 that it seeks the production of documents containing confidential, sensitive,
 6 proprietary, commercial, business and financial information. Plaintiff further
 7 objects to this request to the extent that it seeks documents protected by attorney-
 8 client privilege or the work-product doctrine.

9 Subject to and without waiving the foregoing objections, Plaintiff responds
 10 as follows: Plaintiff has conducted a diligent search and reasonable inquiry during
 11 its effort to comply with this Request and has no documents currently within its
 12 possession, custody or control that are responsive to this Request.

13
 14 **REQUEST FOR PRODUCTION NO. 44:**

15 Any and all DOCUMENTS which refer, reflect or relate to all tickets to the
 16 "Hannah Montana & Miley Cyrus: Best of Both Worlds Tour" which YOU sold on
 17 the auction portion of the ticketmaster.com website from January 1, 2007 to
 18 present.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

20 Plaintiff incorporates by reference each and every one of the General
 21 Responses and Objections as though fully set forth herein. Plaintiff further objects
 22 to this request because it seeks information neither relevant to the subject matter of
 23 this litigation nor reasonably calculated to lead to the discovery of admissible
 24 evidence. Plaintiff further objects to this request on the ground that it is overbroad,
 25 unduly burdensome and oppressive. Plaintiff further objects to this request on the
 26 ground that it seeks the production of documents containing confidential, sensitive,
 27 proprietary, commercial, business and financial information. Plaintiff further
 28 objects to this request to the extent that it seeks documents protected by attorney-

1 client privilege or the work-product doctrine. Plaintiff further objects to this
2 request on the grounds that it is premature at this time, given Plaintiff's pending
3 motion to dismiss Defendant's counter-claim.

4 Subject to and without waiving the foregoing objections, Plaintiff responds
5 as follows: Plaintiff will make all relevant, non-privileged responsive documents
6 available for inspection under mutually agreeable terms, following entry of a
7 mutually agreeable protective order.

8
9 **REQUEST FOR PRODUCTION NO. 45:**

10 Any and all DOCUMENTS which refer, reflect or relate to the price of each
11 ticket to the "Hannah Montana & Miley Cyrus: Best of Both Worlds Tour" which
12 YOU sold on the auction portion of the ticketmaster.com website from January 1,
13 2007 to present.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

15 Plaintiff incorporates by reference each and every one of the General
16 Responses and Objections as though fully set forth herein. Plaintiff further objects
17 to this request because it seeks information neither relevant to the subject matter of
18 this litigation nor reasonably calculated to lead to the discovery of admissible
19 evidence. Plaintiff further objects to this request on the ground that it is overbroad,
20 unduly burdensome and oppressive. Plaintiff further objects to this request on the
21 ground that it seeks the production of documents containing confidential, sensitive,
22 proprietary, commercial, business and financial information. Plaintiff further
23 objects to this request to the extent that it seeks documents protected by attorney-
24 client privilege or the work-product doctrine.

25 Subject to and without waiving the foregoing objections, Plaintiff responds
26 as follows: Plaintiff will make all relevant, non-privileged responsive documents
27 available for inspection under mutually agreeable terms, following entry of a
28 mutually agreeable protective order.

REQUEST FOR PRODUCTION NO. 46:

Any and all DOCUMENTS which refer, reflect or relate to all tickets to the “Hannah Montana & Miley Cyrus: Best of Both Worlds Tour” which were sold on TicketExchange portion of the ticketmaster.com website from January 1, 2007 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine. Plaintiff further objects to this request on the grounds that it is premature, given Plaintiff’s pending motion to dismiss Defendant’s counterclaim.

REQUEST FOR PRODUCTION NO. 47:

Any and all DOCUMENTS which refer, reflect or relate to all convenience charges YOU were paid as a result of sales on the TicketExchange portion of the ticketmaster.com website for the “Hannah Montana & Miley Cyrus: Best of Both Worlds Tour” from January 1, 2007 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects

1 to this request because it seeks information neither relevant to the subject matter of
2 this litigation nor reasonably calculated to lead to the discovery of admissible
3 evidence. Plaintiff further objects to this request on the ground that it is overbroad,
4 unduly burdensome and oppressive. Plaintiff further objects to this request on the
5 ground that it seeks the production of documents containing confidential, sensitive,
6 proprietary, commercial, business and financial information. Plaintiff further
7 objects to this request to the extent that it seeks documents protected by attorney-
8 client privilege or the work-product doctrine. Plaintiff further objects to this
9 request on the grounds that it is premature, given Plaintiff's pending motion to
10 dismiss Defendant's counterclaim.

11
12 **REQUEST FOR PRODUCTION NO. 48:**

13 Any and all DOCUMENTS which refer, reflect or relate to any agreements
14 you had with any PERSON to sell tickets to the "Hannah Montana & Miley Cyrus:
15 Best of Both Worlds Tour."

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

17 Plaintiff incorporates by reference each and every one of the General
18 Responses and Objections as though fully set forth herein. Plaintiff further objects
19 to this request because it seeks information neither relevant to the subject matter of
20 this litigation nor reasonably calculated to lead to the discovery of admissible
21 evidence. Plaintiff further objects to this request on the ground that it is overbroad,
22 unduly burdensome and oppressive. Plaintiff further objects to this request on the
23 ground that it seeks the production of documents containing confidential, sensitive,
24 proprietary, commercial, business and financial information. Plaintiff further
25 objects to this request on the ground that it violates the right to privacy of a third
26 party. Plaintiff further objects to this request to the extent that it seeks documents
27 protected by attorney-client privilege or the work-product doctrine.

REQUEST FOR PRODUCTION NO. 49:

Any and all DOCUMENTS which refer, reflect or relate to any tickets purchased by or on behalf of Thomas J. Prior on the ticketmaster.com website from February 1, 2007 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request to the extent that it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff will make all relevant, non-privileged responsive documents available for inspection under mutually agreeable terms, following entry of a mutually agreeable protective order.

REQUEST FOR PRODUCTION NO. 50:

Any and all DOCUMENTS which refer, reflect or relate to any tickets purchased by or on behalf of Gary Charles Bonner on the ticketmaster.com website from February 1, 2007 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request to the extent that it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is overbroad, unduly burdensome and oppressive. Plaintiff further objects to this request on the ground that it seeks the production of documents containing confidential, sensitive, proprietary, commercial, business and financial information. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request to the extent that it seeks documents protected by attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff will make all relevant, non-privileged responsive documents available for inspection under mutually agreeable terms, following entry of a mutually agreeable protective order.

REQUEST FOR PRODUCTION NO. 51:

Any and all DOCUMENTS which refer, reflect or relate to any tickets purchased by or on behalf of Designer Tickets on the ticketmaster.com website from February 1, 2007 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request to the extent that it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it is

1 overbroad, unduly burdensome and oppressive. Plaintiff further objects to this
2 request on the ground that it seeks the production of documents containing
3 confidential, sensitive, proprietary, commercial, business and financial information.
4 Plaintiff further objects to this request on the ground that it violates the right to
5 privacy of a third party. Plaintiff further objects to this request to the extent that it
6 seeks documents protected by attorney-client privilege or the work-product
7 doctrine.

8
9 **REQUEST FOR PRODUCTION NO. 52:**

10 Any and all DOCUMENTS which refer, reflect or relate to any
11 communications that YOU have had with Barry's Tickets, located in Los Angeles,
12 California, regarding the possible sale of the Barry's Tickets business to YOU.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

14 Plaintiff incorporates by reference each and every one of the General
15 Responses and Objections as though fully set forth herein. Plaintiff further objects
16 to this request because it seeks information neither relevant to the subject matter of
17 this litigation nor reasonably calculated to lead to the discovery of admissible
18 evidence. Plaintiff further objects to this request on the ground that it lacks
19 foundation. Plaintiff further objects to this request on the ground that it violates the
20 right to privacy of a third party. Plaintiff further objects to this request on the
21 grounds that it is premature, given Plaintiff's pending motion to dismiss
22 Defendant's counterclaim.

23
24 **REQUEST FOR PRODUCTION NO. 53:**

25 Any and all DOCUMENTS which refer, reflect or relate to any
26 communications that YOU have had with Sea Coast Ticket Agency, Inc. located in
27 Portsmouth, New Hampshire, regarding the possible sale of the Sea Coast Ticket
28 Agency business to YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 53:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it lacks foundation. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request on the grounds that it is premature, given Plaintiff's pending motion to dismiss Defendant's counterclaim.

REQUEST FOR PRODUCTION NO. 54:

Any and all DOCUMENTS which refer, reflect or relate to any communications that YOU have had with Total Travel and Tickets in Florida regarding the possible sale of the Total Travel and Tickets business to YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 54:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it lacks foundation. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request on the grounds that it is premature, given Plaintiff's pending motion to dismiss Defendant's counterclaim.

WV

REQUEST FOR PRODUCTION NO. 55:

Any and all DOCUMENTS which refer, reflect or relate to any communications that YOU have had with Admit One, located in New York, new York regarding the possible sale of the Admit One business to YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 55:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it lacks foundation. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request on the grounds that it is premature, given Plaintiff's pending motion to dismiss Defendant's counterclaim.

REQUEST FOR PRODUCTION NO. 56:

Any and all DOCUMENTS which refer, reflect or relate to any communications that YOU have had with As Off Music regarding the possible sale of the As Off Music business to YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 56:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the ground that it lacks foundation. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request on the

1 grounds that it is premature, given Plaintiff's pending motion to dismiss
2 Defendant's counterclaim.

3
4 **REQUEST FOR PRODUCTION NO. 57:**

5 Any and all DOCUMENTS which refer, reflect or relate to any tickets that
6 YOU have sold to Barry's Tickets in Los Angeles, California from January 1, 2007
7 to present.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

9 Plaintiff incorporates by reference each and every one of the General
10 Responses and Objections as though fully set forth herein. Plaintiff further objects
11 to this request because it seeks information neither relevant to the subject matter of
12 this litigation nor reasonably calculated to lead to the discovery of admissible
13 evidence. Plaintiff further objects to this request to the extent that it lacks
14 foundation. Plaintiff further objects to this request on the ground that it violates the
15 right to privacy of a third party. Plaintiff further objects to this request on the
16 grounds that it is premature, given Plaintiff's pending motion to dismiss
17 Defendant's counterclaim.

18
19 **REQUEST FOR PRODUCTION NO. 58:**

20 Any and all DOCUMENTS which refer, reflect or relate to any
21 complementary tickets that YOU have given to Barry's Tickets in Los Angeles,
22 California from January 1, 2007 to present.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

24 Plaintiff incorporates by reference each and every one of the General
25 Responses and Objections as though fully set forth herein. Plaintiff further objects
26 to this request because it seeks information neither relevant to the subject matter of
27 this litigation nor reasonably calculated to lead to the discovery of admissible
28 evidence. Plaintiff further objects to this request to the extent that it lacks

1 foundation. Plaintiff further objects to this request on the ground that it violates the
 2 right to privacy of a third party. Plaintiff further objects to this request on the
 3 grounds that it is premature, given Plaintiff's pending motion to dismiss
 4 Defendant's counterclaim.

5
 6 **REQUEST FOR PRODUCTION NO. 59:**

7 Any and all DOCUMENTS which refer, reflect or relate to any tickets that
 8 YOU have sold to Sea Coast Ticket Agency, located in Portsmouth, New
 9 Hampshire from January 1, 2007 to present.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

11 Plaintiff incorporates by reference each and every one of the General
 12 Responses and Objections as though fully set forth herein. Plaintiff further objects
 13 to this request because it seeks information neither relevant to the subject matter of
 14 this litigation nor reasonably calculated to lead to the discovery of admissible
 15 evidence. Plaintiff further objects to this request to the extent that it lacks
 16 foundation. Plaintiff further objects to this request on the ground that it violates the
 17 right to privacy of a third party. Plaintiff further objects to this request on the
 18 grounds that it is premature, given Plaintiff's pending motion to dismiss
 19 Defendant's counterclaim.

20
 21 **REQUEST FOR PRODUCTION NO. 60:**

22 Any and all DOCUMENTS which refer, reflect or relate to any
 23 complementary tickets that YOU have given to Sea Coast Ticket Agency, located in
 24 Portsmouth, New Hampshire from January 1, 2007 to present.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 60:**

26 Plaintiff incorporates by reference each and every one of the General
 27 Responses and Objections as though fully set forth herein. Plaintiff further objects
 28 to this request because it seeks information neither relevant to the subject matter of

1 this litigation nor reasonably calculated to lead to the discovery of admissible
2 evidence. Plaintiff further objects to this request to the extent that it lacks
3 foundation. Plaintiff further objects to this request on the ground that it violates the
4 right to privacy of a third party. Plaintiff further objects to this request on the
5 grounds that it is premature, given Plaintiff's pending motion to dismiss
6 Defendant's counterclaim.

7
8 **REQUEST FOR PRODUCTION NO. 61:**

9 Any and all DOCUMENTS which refer, reflect or relate to any tickets that
10 YOU have sold to Total Travel and Tickets, located in Florida, from January 1,
11 2007 to present.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 61:**

13 Plaintiff incorporates by reference each and every one of the General
14 Responses and Objections as though fully set forth herein. Plaintiff further objects
15 to this request because it seeks information neither relevant to the subject matter of
16 this litigation nor reasonably calculated to lead to the discovery of admissible
17 evidence. Plaintiff further objects to this request to the extent that it lacks
18 foundation. Plaintiff further objects to this request on the ground that it violates the
19 right to privacy of a third party. Plaintiff further objects to this request on the
20 grounds that it is premature, given Plaintiff's pending motion to dismiss
21 Defendant's counterclaim.

22
23 **REQUEST FOR PRODUCTION NO. 62:**

24 Any and all DOCUMENTS which refer, reflect or relate to any
25 complementary tickets that YOU have given to Total Travel and Tickets, located in
26 Florida from January 1, 2007 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 62:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request to the extent that it lacks foundation. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request on the grounds that it is premature, given Plaintiff's pending motion to dismiss Defendant's counterclaim.

REQUEST FOR PRODUCTION NO. 63:

Any and all DOCUMENTS which refer, reflect or relate to any tickets that YOU have sold to Admit One, located in New York, from January 1, 2007 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 63:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request to the extent that it lacks foundation. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request on the grounds that it is premature, given Plaintiff's pending motion to dismiss Defendant's counterclaim.

REQUEST FOR PRODUCTION NO. 64:

Any and all DOCUMENTS which refer, reflect or relate to any complementary tickets that YOU have given to Admit One, located in New York, from January 1, 2007 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 64:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request to the extent that it lacks foundation. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request on the grounds that it is premature, given Plaintiff's pending motion to dismiss Defendant's counterclaim.

REQUEST FOR PRODUCTION NO. 65:

Any and all DOCUMENTS which refer, reflect or relate to any tickets that YOU have sold to As Off Music from January 1, 2007 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 65:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request to the extent that it lacks foundation. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request on the grounds that it is premature, given Plaintiff's pending motion to dismiss Defendant's counterclaim.

REQUEST FOR PRODUCTION NO. 66:

Any and all DOCUMENTS which refer, reflect or relate to any complementary tickets that YOU have given to As Off Music from January 1, 2007 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 66:

Plaintiff incorporates by reference each and every one of the General Responses and Objections as though fully set forth herein. Plaintiff further objects to this request because it seeks information neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request to the extent that it lacks foundation. Plaintiff further objects to this request on the ground that it violates the right to privacy of a third party. Plaintiff further objects to this request on the grounds that it is premature, given Plaintiff's pending motion to dismiss Defendant's counterclaim.

Dated: January 29, 2008

MANATT, PHELPS & PHILLIPS, LLP
ROBERT H. PLATT
MARK S. LEE
DONALD R. BROWN

By: 

Donald R. Brown
Attorneys for Plaintiff
TICKETMASTER L.L.C.

PROOF OF SERVICE

I, Karen K. Pickering, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 11355 West Olympic Boulevard, Los Angeles, California 90064-1614. On January 29, 2008, I served a copy of the within document(s):

PLAINTIFF TICKETMASTER L.L.C.'S RESPONSES TO RMG TECHNOLOGIES, INC.'S REQUESTS FOR PRODUCTION OF DOCUMENTS (SET ONE).

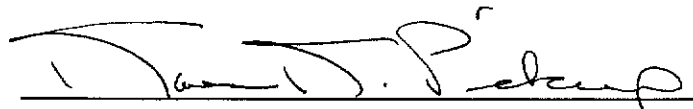
- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Golden State Overnight agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by sending an electronic message with attached PDF.

David N. Tarlow, Esq.
Law Offices of Coggan & Tarlow
1925 Century Park East, Suite 2320
Los Angeles, California 90067-2343
Tel. No. (310) 407-0922
Fax No. (310) 407-0923
Email: dnt@cogganlaw.com

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 29, 2008, at Los Angeles, California.


Karen K. Pickering